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ENVIRONMENTAL ASSESSMENT BOARD

VOLUME: 227

DATE: Monday, August 20, 1990

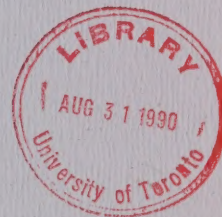
BEFORE:

A. KOVEN

CHAIRMAN

E. MARTEL

MEMBER



FOR HEARING UPDATES CALL (TOLL-FREE): 1-800-387-8810

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HEARING ON THE PROPOSAL BY THE MINISTRY OF NATURAL
RESOURCES FOR A CLASS ENVIRONMENTAL ASSESSMENT FOR
TIMBER MANAGEMENT ON CROWN LANDS IN ONTARIO

IN THE MATTER of the Environmental
Assessment Act, R.S.O. 1980, c.140;

- and -

IN THE MATTER of the Class Environmental
Assessment for Timber Management on Crown
Lands in Ontario;

- and -

IN THE MATTER OF a Notice by the
Honourable Jim Bradley, Minister of the
Environment, requiring the Environmental
Assessment Board to hold a hearing with
respect to a Class Environmental
Assessment (No. NR-AA-30) of an
undertaking by the Ministry of Natural
Resources for the activity of timber
management on Crown Lands in Ontario.

Hearing held at the offices of the Ontario
Highway Transport Commission, Britannica
Building, 151 Bloor Street West, 10th Floor,
Toronto, Ontario, on Monday, August
20th, 1990, commencing at 10:00 a.m.

VOLUME 227

BEFORE:

MRS. ANNE KOVEN
MR. ELIE MARTEL

Chairman
Member

A P P E A R A N C E S

MR. V. FREIDIN, Q.C.)	
MS. C. BLASTORAH)	MINISTRY OF NATURAL
MS. K. MURPHY)	RESOURCES
MR. B. CAMPBELL)	
MS. J. SEABORN)	MINISTRY OF ENVIRONMENT
MS. B. HARVIE)	
MR. R. TUER, Q.C.)	ONTARIO FOREST INDUSTRIES
MR. R. COSMAN)	ASSOCIATION and ONTARIO
MS. E. CRONK)	LUMBER MANUFACTURERS'
MR. P.R. CASSIDY)	ASSOCIATION
MR. H. TURKSTRA	ENVIRONMENTAL ASSESSMENT BOARD
MR. E. HANNA)	ONTARIO FEDERATION OF
DR. T. QUINNEY)	ANGLERS & HUNTERS
MR. D. HUNTER)	NISHNAWBE-ASKI NATION
MS. N. KLEER)	and WINDIGO TRIBAL COUNCIL
MR. J.F. CASTRILLI)	
MS. M. SWENARCHUK)	FORESTS FOR TOMORROW
MR. R. LINDGREN)	
MR. P. SANFORD)	KIMBERLY-CLARK OF CANADA
MS. L. NICHOLLS)	LIMITED and SPRUCE FALLS
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MR. D. MacDONALD	ONTARIO FEDERATION OF LABOUR
MR. R. COTTON	BOISE CASCADE OF CANADA LTD.
MR. Y. GERVAIS)	ONTARIO TRAPPERS
MR. R. BARNES)	ASSOCIATION
MR. R. EDWARDS)	NORTHERN ONTARIO TOURIST
MR. B. McKERCHER)	OUTFITTERS ASSOCIATION

APPEARANCES: (Cont'd)

MR. L. GREENSPOON)	NORTHWATCH
MS. B. LLOYD)	
MR. J.W. ERICKSON, Q.C.)	RED LAKE-EAR FALLS JOINT
MR. B. BABCOCK)	MUNICIPAL COMMITTEE
MR. D. SCOTT)	NORTHWESTERN ONTARIO
MR. J.S. TAYLOR)	ASSOCIATED CHAMBERS OF COMMERCE
MR. J.W. HARBELL)	GREAT LAKES FOREST
MR. S.M. MAKUCH)	
MR. J. EBBS	ONTARIO PROFESSIONAL FORESTERS ASSOCIATION
MR. D. KING	VENTURE TOURISM ASSOCIATION OF ONTARIO
MR. D. COLBORNE)	GRAND COUNCIL TREATY #3
MS. S.V. BAIR-MUIRHEAD)	
MR. R. REILLY	ONTARIO METIS & ABORIGINAL ASSOCIATION
MR. H. GRAHAM	CANADIAN INSTITUTE OF FORESTRY (CENTRAL ONTARIO SECTION)
MR. G.J. KINLIN	DEPARTMENT OF JUSTICE
MR. S.J. STEPINAC	MINISTRY OF NORTHERN DEVELOPMENT & MINES
MR. M. COATES	ONTARIO FORESTRY ASSOCIATION
MR. P. ODORIZZI	BEARDMORE-LAKE NIPIGON WATCHDOG SOCIETY



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APPEARANCES: (Cont'd)

MR. R.L. AXFORD	CANADIAN ASSOCIATION OF SINGLE INDUSTRY TOWNS
MR. M.O. EDWARDS	FORT FRANCES CHAMBER OF COMMERCE
MR. P.D. McCUTCHEON	GEORGE NIXON
MR. C. BRUNETTA	NORTHWESTERN ONTARIO TOURISM ASSOCIATION

I N D E X O F P R O C E E D I N G S

<u>Witness:</u>	<u>Page No.</u>
<u>DALE MUNRO,</u>	
<u>MICHAEL R. INNES,</u>	
<u>WAYNE DOUGLAS YOUNG,</u>	
<u>LEN SUOMU,</u>	
<u>RICHARD DEAN FRY, Resumed</u>	41232
Continued Cross-Examination by Mr. Freidin	41232

I N D E X O F E X H I B I T S

<u>Exhibit No.</u>	<u>Description</u>	<u>Page No.</u>
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1288	One-page document entitled: Comparison of MNR Additional Cost Estimates with OFIA/OLMA Terms and Conditions, submitted by Dale Munro on August the 20th, 1990.	41388
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1 ---Upon commencing at 10:00 a.m.

2 MADAM CHAIR: Good morning. Please be
3 seated.

4 Mr. Freidin, we will sit until noon, we
5 won't take a break this morning, if that is agreeable
6 to you, and we will take an hour for lunch.

7 MR. FREIDIN: An hour for lunch and then
8 we sit until what time?

9 MADAM CHAIR: Four o'clock.

10 DALE MUNRO,
11 MICHAEL R. INNES,
12 WAYNE DOUGLAS YOUNG,
13 LEN SUOMU,
14 RICHARD DEAN FRY, Resumed

15 MADAM CHAIR: Mr. Freidin?

16 CONTINUED CROSS-EXAMINATION BY MR. FREIDIN:

17 Q. Okay. Mr. Innes, just a couple of
18 questions following along from last week. In your
19 evidence you indicated that to build credibility in the
20 planning process -- or you wanted to build credibility
21 in the planning process in such a way that the plan
22 author believes that this is the simplest process that
23 can be implemented to manage the timber resource in an
24 effective way.

25 What does 'build credibility' mean in
that context?

MR. INNES: A. Build credibility would

1 emanate from the comments that I found as a member of
2 the FMA task force where we found a degree of skepticism
3 across the province in terms of at least the timber
4 management plans for forest management agreements that
5 some people had the impression they were doing things
6 by rote perhaps and because the system required it
7 rather than being convinced it produced meaningful
8 results.

9 Q. Do you agree that the MNR manages
10 many of the non-timber values that are protected
11 through your enhanced planning process when it kicks
12 in?

13 A. I'm not sure I understand the
14 question, Madam Chair. Do I agree that MNR manages
15 many of the non-timber values?

16 Q. Yes.

17 A. And then you added, when our enhanced
18 planning process --

19 Q. All right. Let's leave that aside.
20 Many of the non-timber values whether, you know,
21 they're wildlife, fisheries, that sort of thing?

22 A. Yes, I do believe that they manage
23 those values.

24 Q. And would you agree that the process
25 must have credibility for them as well as for plan

1 authors?

2 A. Very much so.

3 Q. I'm not too sure who I should be
4 dealing with on this but could at least you and Mr.
5 Munro turn to page -- it's Exhibit 1274, which is the
6 comparison -- the original comparison Tab 4, and at the
7 bottom of page 2 the last bullet you indicate that in
8 the three situations we have discussed where there are
9 prescriptions set with no guideline, a deviation from a
10 guideline, or the enhanced planning process kicks in,
11 it indicates in the last sentence that:

12 "Documentation will include an
13 environmental analysis consisting of
14 identification of alternatives, analysis
15 of alternatives, preventative and
16 mitigative measures and selection of the
17 preferred alternative with supporting
18 rationale."

19 Is that still your evidence? I'm not
20 suggesting that it wasn't, I want to make sure that
21 that is consistent with the Industry's position.

22 A. Yes, Madam Chair, that's consistent.

23 Q. Could you turn to MNR Interrogatory
24 No. 41, please. And perhaps I might be able to shorten
25 some of the questioning if I just ask this general

1 question. If you're in any of those three situations
2 and you develop a prescription, particularly where
3 there is no guideline or a deviation of the guideline
4 and you have discussions with an individual, will full
5 documentation be provided even if the matter is settled
6 with the individual that raises the concern?

7 MR. INNES: A. Yes.

8 MR. MUNRO: A. Yes.

9 Q. Okay. And I want to then ask some
10 questions regarding the nature of the documentation
11 that gets produced in each of those cases.

12 Looking at Interrogatory No. 41, there
13 was a question about the enhanced planning process but
14 in the second full paragraph -- well, the first full
15 paragraph you indicate that:

16 "Where there's a proposed deviation
17 from the guidelines, justification for
18 that decision must be documented."

19 Do you see that in the first full
20 paragraph almost at the bottom?

21 MR. INNES: A. Yes.

22 Q. I take it then that the justification
23 you're referring to would be the environmental analysis
24 referred to in Exhibit 1274?

25 MR. MUNRO: A. Yes.

1 Q. All right. So you would have -- you
2 would fill in your Table 5 or your Table 5(b) plus you
3 would have the environmental analysis as well?

4 A. That's correct.

5 Q. Okay. And can you give us any sense
6 as to whether the environmental analysis you're
7 contemplating would be similar to the environmental
8 analysis which is outlined in Exhibit 1028 which is the
9 form that the Ministry of the Environment dealt with?

10 A. We have given that some thought and
11 it would be very similar to what's identified there.

12 Q. Could you turn to OFIA terms and
13 conditions 18 and 19, Exhibit 1271.

14 MR. COSMAN: Page 35.

15 MR. FREIDIN: Page 35, yes.

16 Q. In relation to term and condition 18,
17 it indicates that:

18 "When a prescription is set containing
19 an identified value involving use of the
20 Timber Management Guidelines for the
21 Protection of Fish Habitat that the use
22 of the guidelines shall be specifically
23 recorded in the supplementary
24 documentation which forms a part of the
25 integrated resource plan for timber

1 management."

2 When I read that I thought that was
3 somewhat inconsistent with your evidence, because I
4 thought your evidence was that -- or your proposed
5 planning process was that where the fish habitat
6 guidelines or any guideline was used to set a
7 prescription, there would not be any supplementary
8 document.

9 So I was just somewhat confused by that
10 and perhaps you could help me on that.

11 MR. INNES: A. I think I can assist,
12 Madam Chair. That term and condition I believe is a
13 duplication of one in the MNR terms and conditions, and
14 it was our understanding that an agreement had been
15 reached with this Board that specifically that would
16 occur and, as a result, we duplicated the MNR term and
17 condition.

18 Q. All right. So to the extent that
19 that might conflict with your general approach to
20 recording documentation for AOC planning, this would be
21 an exception?

22 A. Yes, that's correct. And in a
23 similar vein, I understand that an agreement was
24 reached that the Ministry of the Environment could sit
25 on the Ministry of Natural Resources planning team and

1 it was acceptable to the Ministry of Natural Resources
2 and, as a result, you will see an interrogatory
3 somewhere, we didn't even mention that because that was
4 brought before the Board. So these are a priority type
5 of conditions.

6 Q. And how would you see the specific
7 recording in the supplementary documentation? You say
8 it would be specifically recorded in the supplementary
9 documentation, but can you provide any further
10 assistance as to how that might be done?

11 A. We would have a preferred condition,
12 a preferred way of handling this and as time goes on
13 and our thoughts progress, I'm sure as everybody else's
14 do, and perhaps a preferred way of handling it would be
15 a declaration on the front of the timber management
16 plan that the plan was prepared utilizing the existing
17 guidelines and that would be one way of getting around
18 this.

19 Q. Okay.

20 A. We're quite open in dealing with this
21 in terms of as long as it's acceptable to all parties
22 and the Board of course, that somewhere it's recorded
23 we don't mind what form it's in.

24 Q. Sure. Okay. Turning to term and
25 condition 19 of the Industry's proposal, it talks about

1 deviation from the guidelines and in this case it talks
2 about the fish habitat guidelines and indicates that:

3 "The rationale for the deviation must
4 be presented and documented in the
5 supplementary documentation."

6 Is that again a reproduction of a term
7 and condition?

8 A. I believe it is, Madam Chair, I'm not
9 a hundred per cent sure. If you would like me to
10 check, I will.

11 Q. All right. Well, all right, I can do
12 that, checking myself, I suppose. Perhaps you could
13 help me there. So in this section you have a term or
14 condition that indicates what will be documented where
15 there is no guideline used.

16 Your evidence has talked about the three
17 situations, there doesn't appear to be a term and
18 condition that says what will happen if there is no
19 guideline. Is that an oversight, or...

20 MR. MUNRO: A. Madam Chair, at the time
21 that we prepared our Ts and Cs and our witness
22 statement we hadn't thought of that and when the
23 interrogatories came in, that's when we thought of the
24 exception to the rule. So it would be as per
25 Interrogatory Question No. 41.

1 Q. All right. So that if -- your terms
2 and conditions then to fully reflect your proposed
3 policy there would be one which would indicate where
4 you prepare a prescription where there is no guideline,
5 then it would be documented in supplementary
6 documentation?

7 A. Yes.

8 Q. Okay.

9 MR. COSMAN: You will see that in the
10 final terms and conditions as at the end of the month
11 when that will be final.

12 MR. FREIDIN: Okay.

13 Q. Could you turn to page 35 of the
14 witness statement. Mr. Munro, in describing the
15 supplementary documentation or in discussing that, Mr.
16 Hanna used a hypothetical of a cottager's problem which
17 he said there would be a problem raised during the
18 pre-planning and you said the supplementary
19 documentation would include all the letters and
20 correspondence.

21 MR. MUNRO: A. That's correct.

22 Q. I note that on page 35 under the
23 heading Supplementary Documentation it indicates under
24 sub (a) that:

25 "The supplementary documentation would

1 include a summary of public consultation
2 and participation in the preparation of
3 the plan."

4 And it says in the paragraph after the
5 indentation that:

6 "The supplementary documentation shall
7 be retained at the location of the plan
8 author."

9 Now, could you perhaps explain to me what
10 actually would form part of the supplementary
11 documentation which would be available to the public,
12 and is there something which will be produced perhaps
13 by way of letters and things which would not be
14 automatically available?

15 MR. COSMAN: Just before you answer, the
16 second part of that, you referred to where the
17 supplementary documentation would be kept and there has
18 been evidence on that. Do you want that handled
19 separately?

20 MR. FREIDIN: Q. All right. You can
21 deal with them separately, but I want the answer to
22 both questions.

23 MR. MUNRO: A. Okay. The first question
24 is, would the detailed supplementary documentation be
25 included in the -- sorry, would the correspondence

1 dealing with an individual show up as part of the
2 supplementary documentation. I guess the answer is no,
3 it wouldn't. What would show up is a summary and then
4 it would be indexed back to a corresponding file and
5 that we have led evidence saying that that file would
6 be available at the district office as well as the plan
7 author's location as well. So it would be key.

8 Q. Mr. Munro, if in one of those three
9 situations the enhanced planning process, et cetera,
10 all the discussions were oral, nothing written, I take
11 it from your earlier answer you would still sit down
12 and prepare some written documentation to reflect those
13 discussions which would fall within the definition of
14 an environmental analysis as you've described it?

15 A. Most definitely.

16 Q. Okay. Now, I want to ask some
17 questions regarding your Table 5(b) and just see if I
18 can clarify how it differs in relation to Table 4.12 of
19 the Ministry's process. Your Table 5(b) is found
20 attached to Interrogatory 41 or I think page 110 of the
21 witness statement. Okay.

22 A. Excuse me, Mr. Freidin, I don't have
23 Table 4.12 here with me today.

24 MR. INNES: A. (handed)

25 Q. I indicated that that table also

1 appeared at page 110 of the witness statement as page
2 106.

3 Now, there may not be a lot of difference
4 in relation to the form itself, Mr. Munro, but could
5 you confirm for me that in Table 4.12 of the Ministry's
6 process each area of concern is listed and the
7 prescription which has been set for it is listed?

8 A. That's my interpretation, yes.

9 Q. The Industry's Table 5 and 5(b) which
10 covers your enhanced planning process and no guidelines
11 and deviations, would you agree does not list each area
12 of concern and prescription only those which fall into
13 those three categories we talked about?

14 A. That's correct.

15 Q. So Table 4.12 would be, one wanted a
16 list of all of the prescriptions, it would be a
17 complete list; Table 5(a) and 5(b) would be a partial
18 list?

19 A. If one wanted a complete listing,
20 yes, it would.

21 Q. Mr. Young during his evidence said
22 that the number on the table, and I'm looking at page
23 106 of the witness statement, there is a number in the
24 lefthand column.

25 MR. COSMAN: 106.

1 MR. FREIDIN: Q. Page 106.

2 MR. MUNRO: A. Yes.

3 Q. Now, this is a little different,
4 probably I should point out that the Table 5 on page
5 106 has the number in the lefthand corner, Table 5
6 which was attached to Exhibit 41 did not have the
7 number, however Mr. Young was asked about the table on
8 page 106 and he said that the number could refer to a
9 stand number or a value or area of concern which had
10 been identified by a number on the map.

11 My question I guess would be: Which map
12 were you referring to, Mr. Young, and in what
13 circumstances might that be an appropriate method of
14 making the recording in Table 5?

15 MR. YOUNG: A. On Table 5(a) and 5(b)
16 attached to Interrogatory 41 we would have to make
17 reference to our operational map, so we could
18 correspond the actual summary of values and elevate it
19 to enhanced planning or a deviation from the
20 guidelines.

21 So there would have to be some
22 cross-numbering if you want to call it, there would
23 have to be some reference to tie the prescription to
24 this operational map. We suggested a numbering that
25 would probably be best.

1 Q. A numbering?

2 A. A numbering system or a coding
3 system.

4 Q. All right. So that a particular
5 prescription might be coded by a number or some sort of
6 coding system which you could then trace back to your
7 Table 5?

8 A. That's correct.

9 Q. Thank you. Mr. Munro, can you
10 confirm for me that the environmental -- pardon me, the
11 enhanced planning process does not occur until the
12 draft plan stage?

13 MR. MUNRO: A. Yes, that's correct.

14 Q. At the draft plan stage of the
15 Industry's proposal am I correct that the prescription
16 setting and the decisions within the plan are in a more
17 final form than they are when there is the preparation
18 of a draft plan at an information centre under the
19 Ministry's proposal?

20 A. I would agree with that.

21 Q. We heard some evidence at satellite
22 hearings and suggestions have been made through
23 cross-examination that some people don't like coming to
24 information centres and feeling that the decisions are
25 already made, that they want to have some sort of input

1 into the actual decision before it's made, before they
2 come to the information centre.

3 Did you take that into the account when
4 you decided that at your information centre you would
5 have gone that step further than the Ministry does at
6 its second information centre?

7 A. Madam Chair, Mr. Martel, I think we
8 did consider that in a couple of ways. One is we have
9 an advisory committee structure in place where there is
10 dialogue on a continuous basis. The other thing that
11 is included within our proposal, is the plan author is
12 obligated to contact all those persons with known
13 interests, that list is provided to him by the district
14 manager.

15 Therefore, I think there is a fair amount
16 of public dialogue occurs and proposed or draft plan
17 activity is put together in conjunction with those
18 advisory committees and interested parties as well as
19 technical experts.

20 MR. FRY: A. Madam Chair, in this
21 connection we also should point out that at our first
22 information centre not only are we providing a values
23 map, an opportunity for input into the values map but
24 we also have provided a report of past operations and
25 proposed objectives, targets and strategies that allow

1 people to comment on the general thrust of the
2 operations. So there is an opportunity there at that
3 point to have a fair amount of input into the general
4 direction the plan is going to take.

5 Q. Now, you noted, Mr. Fry, that there
6 are a couple of matters in the Ministry's letter which
7 accompanied the Ministry's revised terms and concerns,
8 there were some matters they still wanted to discuss
9 which were open. I think one of them was in fact when
10 these information centers should be held.

11 A. My understanding, Madam Chair, that
12 there was a question as to -- at this stage as to when
13 the first -- when the additional information centre
14 will be held, and I believe the Ministry called it an
15 open house, whether that open house would be held at
16 the time of the invitation to participate or whether it
17 would be held at the time of the draft plan.

18 Q. Okay. Your initial information
19 centre, am I correct, no specific prescriptions are set
20 for any specific values at that particular time?

21 A. That is correct.

22 Q. The place the public would see that
23 formally would be at your second information centre
24 where you would have the prescriptions set out?

25 A. That is correct.

1 Q. And I believe it's the Industry's
2 view that that is a better approach than the Ministry's
3 approach of showing proposed prescriptions at that
4 second information centre?

5 A. I think, Madam Chair, you have to
6 take it -- you can't take it out of context. We
7 believe it is better, but it is better because of the
8 first open house that identifies people who are
9 interested in certain -- in certain values, in
10 protecting certain values, and our system that requires
11 that us as plan authors to interface directly with
12 them.

13 Q. Okay. Can you turn to your terms and
14 conditions. Term and condition No. 5 refers to -- or
15 defines the word value. I want to refer to some
16 definitions, I sort of do this based on the
17 cross-examination of Mr. Hanna with some trepidation,
18 but I want to see if I can clarify a few things.

19 Page 28 actually of Exhibit 1271. Do you
20 have that, Mr. Munro?

21 MR. MUNRO: A. Yes, I do.

22 Q. Okay. In the third line of term and
23 condition 5 you define values as areas being unique,
24 irreplaceable and/or of general concern to the local
25 community. Was it intended that that definition be

1 wide enough to include values of importance to resource
2 managers such as early winter habitat or a skyline
3 reserve on a remote tourism lake?

4 A. Yes.

5 Q. It would include all the sorts of
6 values that have been discussed in the Ministry's case?

7 A. Yes.

8 Q. Okay. In NAN Interrogatory No. 9 you
9 made a distinction between identified values and
10 verified values.

11 A. Yes.

12 Q. Exhibit 1272.

13 A. Yes.

14 Q. And you indicate there that an
15 identified value is one that had been identified to MNR
16 by an individual and a verified value is one which had
17 been identified but had also undergone a verification
18 process.

19 A. Yes.

20 Q. Is there a difference in the way you
21 use the term as between a recognized value and a
22 verified value?

23 A. No, I think they are the same terms,
24 it's just we have used different words.

25 Q. And is there any difference in the

1 way you use the word recognized value and a true area
2 of concern when I read your material?

3 A. Yes, there is a difference there in
4 that there can be recognized values, as we indicated on
5 Friday, where guidelines are applied to as a routine
6 business and they're not areas of concern because the
7 protection has been addressed or the enhancement of the
8 value has been addressed in the guidelines itself.

9 Q. A true area of concern is one where
10 the prescription was set as a result of the enhanced
11 planning process?

12 A. The three components, enhanced
13 planning process, no guideline --

14 Q. Or deviation.

15 A. Or a deviation, yes.

16 Q. Okay. Could you turn to your terms
17 and conditions No. 16, please. It states that:

18 "The Ministry shall ensure that each
19 integrated resource plan for timber
20 management outlines a compliance
21 monitoring program of inspections of
22 operations in areas containing an
23 identified value."

24 And based on what you have told me and
25 based on listening to your evidence, am I correct that

1 it's really not areas containing an identified value,
2 but rather what you meant is that there should be a
3 compliance monitoring program in areas where a value
4 has been identified and a specific prescription has
5 been imposed in relation to it?

6 You seem to be having some trouble. Just
7 stopping there. Identified value was one where you
8 defined as someone just says there's a value. As I
9 understood your evidence, you said that before one
10 would actually go and perhaps set a prescription for it
11 it would have to be verified. So, you know, at the
12 very least identified should be verified, but I would
13 suggest to you that not only would it have to be
14 verified, you'd have to actually have gone out, planned
15 for it, set a prescription and then imposed the
16 compliance monitoring to make sure that the
17 prescription has been set. It's just the wording
18 perhaps is a little unclear.

19 A. The wording is uncertain. The intent
20 is exactly as you describe it.

21 Q. Thank you. And if we go to 17(d), I
22 think we may have a similar situation, it says:

23 "For each integrated resource plan for
24 timber management, the accompanying
25 supplementary documentation shall be

1 collated by MNR and shall contain
2 documentation of the planning of
3 operational prescriptions for areas
4 containing an identified value."

5 A. It's the same, it should be verified.

6 Q. Right.

7 MR. COSMAN: So it would be identified
8 and verified in that case.

9 MR. FREIDIN: Right. One moment, please,
10 Madam Chair.

11 Q. And just while we're there, I think
12 term and condition 13 at the bottom of the page should
13 actually be term and condition 12, Mr. Munro?

14 Term and condition 13 is referred to at
15 the bottom of page 34 of your terms and conditions, it
16 should be 12, but I guess that will get picked up in
17 the revisions?

18 MR. MUNRO: A. Thank you.

19 MADAM CHAIR: Excuse me, that was 17(c)?

20 MR. FREIDIN: 17(d).

21 MADAM CHAIR: And that's No. 12?

22 MR. FREIDIN: Yes.

23 MR. YOUNG: I can also add 17(c) should
24 also read term and condition 14.

25 MR. FREIDIN: Okay.

1 MR. COSMAN: I think we made that change
2 earlier.

3 MR. FREIDIN: Q. Could you turn to your
4 term and condition No. 12, Mr. Munro.

5 The term and condition No. 12 sets out
6 sort of a thought process that one would follow, I take
7 it, when dealing with a specific value and determining
8 whether there should be a prescription and, if so, what
9 it should be?

10 MR. MUNRO: A. Yes.

11 Q. The Ministry in its evidence in Panel
12 15 and in particular Exhibit 844C, which I can't put my
13 hands on at the moment, had a schematic which set out
14 the sort of thought process that one would go through.
15 Do you have that?

16 A. Yes, I do.

17 Q. Is there really any difference
18 between the flow chart which is 844C and the intent of
19 term and condition No. 12 submitted by the Industry?

20 A. In terms of outlining the thought
21 process, no.

22 Q. So if one had some confusion with the
23 wording of your term and condition No. 12, if it was
24 changed so that it reflected the intent of 844C, that
25 is the important point?

1 A. Certainly something that we could
2 look at.

3 Q. Okay, thank you. What was the prime
4 reason for making the plan a simple document or a
5 simpler document than it is now and separating it from
6 the database, Mr. Munro?

7 A. The main reason was to ensure that
8 the general public as well as the advisory committees
9 and interested groups could pick up the plan and
10 basically understand what was going to happen out in
11 the field.

12 Q. And your plan would have all the
13 detail about what was going to happen in the field in
14 terms of actual operations?

15 A. Yes, that's correct.

16 Q. In your plan, the plan that is going
17 to describe the activities which are going to take
18 place, are you contemplating that there would be tables
19 similar to the tables that are found in the present
20 timber management plans?

21 A. We gave evidence earlier that the
22 tables would be much similar. We had provided examples
23 in Appendix 3 or 4, Appendix 4.

24 Q. Are you familiar with Mr. Multamaki's
25 evidence in Panel 15 of the Ministry's case?

1 A. You could try.

2 Q. You're familiar with some of it?

3 A. I read some of it, yes.

4 Q. All right. Mr. Multamaki gave
5 evidence in relation to the Red Lake plan that he was
6 involved in preparing and in relation to many of the
7 tables there was a text explaining the contents of the
8 tables and also which referred perhaps to renewals and
9 strategy -- referring back to renewals and strategies
10 saying: This table says I'm going to do A, B and C and
11 I'm going to do it for the reasons set out, and he
12 would refer back to either the report of past forest
13 operations or the objectives and strategies section of
14 the plan to link information in the table to something
15 else in the plan.

16 Do you intend to include that in your
17 simplified version of the plan?

18 A. Madam Chair, it's not really a
19 simplified version it's a more concise version of the
20 plan and, yes, many of the things that Mr. Multamaki
21 referred to as traceability and links would occur in
22 our proposal.

23 Q. Now, I'm going to move from AOC
24 documentation on to the issue of guidelines, although
25 they're connected, and I'll just ask the question

1 generally and whoever you feel should answer the
2 question should do so.

3 Would you agree that the -- I'm going to
4 use the term definitive direction to explain a
5 situation where you go to a guideline and it says in
6 situation "x" do "y", no choice.

7 A. I understand.

8 Q. Would you agree that the degree of
9 definitive direction in a guideline theoretically could
10 vary from nothing to having only definitive direction,
11 that there's a continuum in that regard, theoretically?

12 A. Yes, theoretically.

13 Q. Am I correct that the Industry would
14 like to see as much definitive direction as possible?
15 Have I interpreted your evidence correctly?

16 MR. INNES: A. It's a little broader
17 than that, if I may. Mr. Freidin, are you asking Mr.
18 Munro?

19 Q. No, I'm asking anyone. I'm not
20 trying to lead you on this one, I'm just trying to get
21 an understanding if that was your evidence.

22 A. Definitive direction must be there,
23 Madam Chair, Mr. Martel, although not because it's
24 particularly Industry's wish that we go on the basis of
25 given "x" you do "y".

1 I believe we described in our evidence as
2 guidelines having to be based on science, we have known
3 and acceptable environmental impacts, and to be
4 acceptable to the public, and it's on the basis of
5 those three things that we think there will be
6 definitive direction and that's what is required.

7 So it's within the public context rather
8 than just what Industry wants and I believe Mr.
9 Freidin's question was.

10 Q. Mr. Munro, you gave evidence that the
11 guidelines or the implementation manuals at the present
12 time have a range of directness, and that you see an
13 opportunity over time for more directness.

14 When you used that term were you
15 referring to something similar to definitive direction?

16 MR. MUNRO: A. No, what I really meant
17 by that was as we gain experience using guidelines we
18 will revise them or at least review them to try and
19 fine tune the guidelines for prescription application.

20 Q. And what did you mean by the word
21 'range of directness' in that context?

22 A. That is a good question. I would
23 have to go back and look at it and see what frame -- or
24 what we were talking about in some sense.

25 MR. COSMAN: Just so I understand, you're

1 asking Mr. Munro what he meant by that in the context
2 of what he was saying at the time, or are you asking a
3 more general question?

4 MR. FREIDIN: No, within the context of
5 what he said at that time.

6 MR. COSMAN: Do you have that reference?

7 MR. FREIDIN: During the break I can
8 probably find you the reference and we'll deal with it
9 over the next day or so.

10 MR. MUNRO: Okay.

11 MR. FREIDIN: Q. I take it from what Mr.
12 Innes said you would agree that the level of precision
13 or the degree to which definitive direction, as I have
14 defined it, can be given in a guideline will be based
15 at least in part on scientific knowledge?

16 MR. MUNRO: A. That is what Mr. Innes
17 indicated.

18 Q. And you would agree with that?

19 A. I would agree with that.

20 Q. And would you also agree that when
21 speaking of guidelines regarding non-timber values,
22 that the ultimate decision regarding the level of
23 direction -- pardon me, the level of directness which
24 is practical or possible, must be made by people who
25 are experts in the management of those non-timber

1 resources?

2 A. Yes, and our technical group at a
3 provincial level that reviews and revises those
4 guidelines is a multidisciplinary team and there would
5 be various experts providing advice on that team.

6 Q. All right. So that I'm correct then
7 that Industry is not saying that all the guidelines are
8 capable of being definitive in every situation?

9 A. What we're saying is we definitely
10 would have to review them, we being the technical
11 group, to try and fine tune that down, yes.

12 Q. Mr. Innes, during the
13 cross-examination by Mr. Hanna you were asked how you
14 would document the application of a certain section of
15 the moose habitat guidelines. Perhaps you could refer
16 to that, that's Exhibit 310, the moose habitat
17 guidelines.

18 MR. INNES: A. Yes, I have that
19 document, Mr. Freidin.

20 MR. FREIDIN: If I could just have one
21 moment, please.

22 Q. Now, 4(c) provides guidance and it
23 states:

24 "For chemical site preparation or
25 tending...", bottom left:

1 "For chemical site preparation or
2 tending, managers should carefully
3 consider the anticipated effectiveness of
4 the herbicide in controlling woody
5 plants, browse and the amount of
6 proximity of deciduous growth outside the
7 treatment area."

8 Mr. Hanna was asking you about that and
9 how you would document application of values, you said
10 firstly that you would want less fuzzy direction.

11 MR. INNES: A. I believe that's correct.

12 Q. And you don't know if less fuzzy
13 direction is actually possible in relation to that
14 particular item; do you?

15 A. No, Madam Chair, I do not know that.
16 I would hope there would be some possibility of
17 providing that, perhaps through recognition of the
18 forest ecosystem classification method or some other
19 way of doing that, but it may or may not be possible on
20 a technical basis. I don't know that.

21 Q. Okay. Now, in your evidence you have
22 said that when a prescription is set using a guideline
23 one could set a prescription in relation to chemical
24 site preparation or tending because of this particular
25 concern.

1 Assuming that that is as definitive as
2 the direction could get, would you provide any
3 documentation as to why the particular prescription was
4 set in that case, or would you say because it had been
5 done using the guidelines you wouldn't have to provide
6 any documentation?

7 A. If the guideline remained as it now
8 is, I don't think it would be possible to assign a
9 numerical target to something like that, it's too
10 broad, and rather what I would prefer to see would be a
11 discussion of the strategy in the background data to
12 the plan which described in which locations or which
13 particular situations it was appropriate to do certain
14 things so there would be some understanding available
15 to the public and direction to the forest plan author
16 as to what should happen in those situations, and I
17 would hope as a result the information would be there
18 for understanding.

19 Q. So I think I hear you saying that
20 where you're able to provide definitive direction you
21 would want some discussion of the thinking behind the
22 prescriptions which were set?

23 A. Yes, that's correct.

24 Q. So again then, to make sure I
25 properly understand your evidence, in your evidence you

1 referred a number of times, gentlemen, to guidelines
2 setting out a range of acceptable practices.

3 And I take it from your evidence, Mr.
4 Innes, and other members of the panel, that a range of
5 acceptable practices does not always manifest itself in
6 a guideline by saying: In this situation you can do
7 this, or even saying: In this situation you can do
8 this, this or this. You might not be able to provide
9 that kind of direction at all?

10 A. That is correct. And also it could
11 be expanded, Madam Chair, into another one in terms of:
12 In this situation you can't do this. You can approach
13 that from either direction in terms of providing
14 specifics of what you can do or specifics of what you
15 can't do.

16 And as I suggested a moment ago, where
17 neither can be given, it's most appropriate that some
18 type of discussion be in the database as to silence on
19 the part of the guideline, or common practice is.

20 MR. FREIDIN: Can I have just one moment,
21 Madam Chair.

22 Q. Mr. Munro, I think either you or Mr.
23 Innes indicated that guidelines and their application
24 are considered as part of pre-planning. I think it was
25 you at page 39744 actually my note says.

1 MR. MUNRO: A. It could be. Yes,
2 they're part of pre-planning in the sense that the
3 district manager has to look at those guidelines and
4 address specific problems and issues that he or she
5 feels there might be.

6 So, yes, they're part of pre-planning,
7 they provide the direction to the plan author to go out
8 and do specific detailed prescription planning.

9 Q. Now, when you were giving that
10 evidence you used as an example clearcut sizes.
11 Perhaps you should take -- all right, maybe you don't
12 have to look at the transcript, it's very short, 39744
13 to 45.

14 Can you expand on that particular
15 reference, I didn't quite understand how that --

16 MR. COSMAN: What volume is that?

17 MR. FREIDIN: Volume 219.

18 MR. COSMAN: Could you give me the page
19 again, sorry?

20 MR. FREIDIN: 39744 to 45.

21 MR. MUNRO: Could I have the pages, Mr.
22 Freidin?

23 MR. FREIDIN: Q. 39744-45. It starts
24 actually on 39744, starting on line 17, and runs over
25 to the next page for about a paragraph down, around 15

1 or so, and I was interested in your reference to
2 clearcut sizes and using that somehow as the example of
3 how a guideline application would get considered during
4 pre-planning.

5 MR. MUNRO: A. Okay. Would you repeat
6 the question, please?

7 Q. All right. Could you expand for me
8 on how -- sorry, let me put it this way. When you made
9 reference to clearcut sizes being bigger, being part of
10 the discussion of the application of guidelines
11 application during pre-planning, were you referring to
12 the application of the moose habitat guidelines?

13 A. Yes.

14 Q. And in what way did you see that a
15 discussion of clearcut sizes being bigger or smaller or
16 whatever could effectively take place during your
17 pre-planning phase?

18 A. We saw it taking place where a
19 problem or issue has been identified to a particular
20 application of a guideline.

21 Q. Where a particular problem had been
22 identified?

23 A. Yes. I think Mr. McNicol referred to
24 it in his evidence as where a guideline could be
25 applied rigorously or less rigorously, I think are the

1 terms he used. It would be similar to that.

2 Q. Would you rely on Mr. McNichol's
3 evidence as to when it would be appropriate, most
4 appropriate within the planning process to discuss that
5 particular issue as to whether you should be applying a
6 guideline rigorously or not?

7 A. We would rely upon the technical
8 experts that the district manager has available to him
9 to initiate that discussion, yes.

10 Q. So if Mr. McNicol, it was his view
11 that that sort of a decision would be best left from
12 his point of view until after the selection process,
13 after you actually chose your allocated stands, you
14 wouldn't quarrel with that?

15 A. No, I wouldn't to the extent that Mr.
16 McNicol and other technical experts would have to
17 provide some general direction to the plan author and
18 that general direction could be: Apply the guidelines
19 as they are now and we'll see what happens.

20 Q. Mr. Young, in relation to the
21 revision of implementation manuals at page 13 of the
22 witness statement you indicate that, just at the
23 bottom, the heading 2.2.2:

24 "Membership of the senior technical
25 committee is restricted to professionals

1 with the appropriate level of education
2 in the appropriate disciplines with
3 relevant practical experience in their
4 resource field."

5 When you referred in your evidence to
6 membership on that committee having representatives
7 from other user groups, was it your belief that those
8 representatives of the other user groups would still
9 meet those particular requirements?

10 MR. YOUNG: A. We felt that at the
11 provincial technical committee we had to get the best
12 experts available. And I believe we gave some oral
13 evidence in previous testimony that we would hope that
14 those are professional people that are schooled, but I
15 believe we gave evidence on what denotes professional,
16 and it may not be that they have a degree from a
17 recognized school, they may have a wealth of knowledge
18 in regards to a specific guideline, and we would hope
19 to draw upon that wealth of expertise.

20 Q. Okay.

21 A. But we would like to have the most
22 professional people available.

23 Q. Thank you. You were asked the
24 following question by Mr. Hanna and you gave the
25 following answer, and this is just -- these are my

1 notes not the transcript. If you have a system
2 designed to address a moose concern, then the response
3 for a moose must be measured at that level - you're
4 referring to the forest management unit level - for
5 adaptive management, and you answered you have to
6 compare what you plan to do and what you did at the
7 same level.

8 What did you have in mind comparing when
9 you gave that evidence?

10 A. The example I would give, if you in
11 the guideline stated you required "x" hectares of late
12 winter habitat, it would be essential to compare the
13 effects of providing that amount of habitat with what
14 you said you were going to provide so you would have
15 some common form of measurement, and we want to be able
16 to compare what we said we were going to do with what
17 we actually achieved.

18 Q. So it's a matter of saying: If you
19 happen to have "x" number of hectares of winter
20 habitats, you would want a record after the fact of how
21 many hectares of late winter habitat you actually
22 provided?

23 A. That's correct.

24 Q. All right. And was it your intention
25 to suggest anything more than that?

1 A. No, it was the not.

2 Q. Okay. I want to ask some questions
3 about objectives and strategies in plans, and let's
4 start with the term which Industry has formulated and,
5 that is, the timber component of non-timber objectives,
6 I think is the way you put it.

7 And just so I can understand it, I'm
8 going to use a hypothetical and I'm going to use
9 habitat for wildlife as an example, which seems to be
10 the one that is used most often.

11 In the context of a wildlife objective,
12 Mr. Innes, could you describe for me what the timber
13 component of that wildlife objective would be, just
14 describe what you think it would be?

15 MR. COSMAN: The specific objective, a
16 specific wildlife objective or generally?

17 MR. FREIDIN: Let's take moose population
18 being the non-timber objective.

19 MR. INNES: Madam Chair, Mr. Martel, I
20 know very little about moose as I don't hunt them, I
21 enjoy looking at them, but I don't know much about
22 their habitat.

23 I would guess that there are a number of
24 wildlife components -- sorry, a number of timber
25 components that are very essential to moose and my

1 understanding is they require different types of
2 habitat in different seasons of the year, they require
3 different food sources, different travel corridors,
4 calving areas, et cetera, and I would look for guidance
5 from the technical experts in terms of a description of
6 the stand parameters that would allow me as a timber
7 management planning author to set aside those areas as
8 required for the management of moose.

9 MR. FREIDIN: Q. And in relation to a
10 non-timber objective such as moose population, would
11 you agree that there could be a number of strategies
12 other than just providing habitat through manipulation
13 of the forest that might lead to achievement of that
14 objective?

15 A. Most certainly.

16 Q. Setting hunter quotas, predation,
17 those sorts of the things could also affect the
18 achievement of that objective?

19 A. I understand they're critical to the
20 achievement of the overall management of moose.

21 Q. Okay. Those things, I take it based
22 on your evidence, wouldn't be in the timber management
23 plan because they wouldn't be the timber component in
24 terms of those objectives?

25 A. That's not quite correct, Madam

1 Chair. We would like to see, as we led evidence on,
2 the wildlife management plan which allows the public to
3 understand how the timber management component relates
4 to those other essential components of the overall
5 management strategy, and we're asking that that plan
6 for the wildlife management for moose in this case be a
7 part of the database of the plan.

8 Q. Okay.

9 A. So a link can be made between the
10 timber component and the overall management strategy
11 for that value.

12 Q. Now, you were asked a number of
13 questions regarding page 18 of the witness statement, I
14 think it may have been Mr. Fry who was asked about this
15 most frequently, I'm not sure.

16 I'm referring to the third paragraph on
17 page 18. It talks about the analysis of the background
18 information determining if provincial goals and
19 objectives for all resource management programs that
20 influence timber management are measurable, realistic
21 and obtainable.

22 Do you have that particular reference,
23 Mr. Innes, Mr. Fry?

24 MR. MUNRO: A. Mr. Freidin, that's my
25 section.

1 Q. That's your section. All right. You
2 were asked -- and the second sentence there refers to
3 analysis indicating:

4 "If specific targets or guidelines
5 should be modified for the district or
6 the forest management unit."

7 Could you refer to Interrogatory No. 15
8 from the Ministry of Natural Resources that asked you
9 specifically about that paragraph. Do you have that,
10 Mr. Munro?

11 A. Yes, I do.

12 Q. Could you turn to the second page of
13 the answer. Will you take the time to read the second
14 and third bullet.

15 A. Okay.

16 Q. And is that still the position of
17 Industry?

18 A. Yes, it is.

19 Q. I interpret --

20 MR. COSMAN: Sorry, the second.

21 MR. FREIDIN: The second and third
22 bullet.

23 MR. COSMAN: And third. Oh, okay.

24 MR. FREIDIN: Q. And I understand those
25 two paragraphs to indicate that the issues referred to

1 therein are not resolved in timber management planning
2 but rather they are deferred to planning processes for
3 those other values?

4 MR. MUNRO: A. That's correct.

5 Q. And could you refer to the Ministry
6 of Natural Resources Interrogatory No. 1 and in
7 particular 1(b) and note that this is in relation to
8 your evidence that:

9 "All Crown land, whether managed by
10 Industry or the Crown, shall be managed
11 under the same planning system in a
12 fashion such that the forest based
13 resources are managed on an integrated
14 basis."

15 And would you take a moment to read item
16 No. (b).

17 MR. COSMAN: Question and answer?

18 MR. FREIDIN: The question and the
19 answer.

20 Q. And would you agree that that
21 basically makes the same point that was made in
22 Interrogatory 15 but perhaps in a little different way?

23 MR. MUNRO: A. I would agree with that.

24 Q. If I could use an example of that,
25 Mr. Innes, you were asked - I think it was you, Mr.

1 Innes - whether objectives on a watershed basis for
2 water quality would be consistent with Industry's
3 proposed planning process.

4 Your answer was that Industry's proposal
5 was designed in such a way that quantitative objectives
6 are part of the process. And you then said Mr. Hanna's
7 quantitative objectives is appropriate.

8 Now, I assume based on the evidence that
9 Mr. Munro has just given that if there was such an
10 objective developed, it would not be developed during
11 timber management planning but in some other process?

12 MR. INNES: A. I would think that would
13 have to be case, Madam Chair, in terms of there are so
14 many things that affect water quality that are beyond
15 the scope of purely timber management would have to be
16 developed within a bigger forum than solely timber
17 management.

18 Q. So you wouldn't expect to see in a
19 timber management plan an objective for, for instance,
20 the amount of turbidity in the water; that would be an
21 objective that would be developed in some other
22 planning process; you might have to try and address
23 that perhaps through application of the fish habitat
24 guidelines which are directed to water quality.

25 A. It's difficult to answer those types

1 of questions in generalities. I can provide an example
2 whereby -- let me back up and try again, Madam Chair.

3 In the general sense I would agree with
4 Mr. Freidin, it would be most difficult to do that, and
5 I would not anticipate seeing that kind of objective as
6 a general objective.

7 However, I can foresee a situation which
8 might have perhaps gone through an enhanced planning
9 process where a stream crossing or a river crossing had
10 to be constructed and in that particular case I can see
11 a specific objective for that given crossing that
12 turbidity could not exceed whatever number it was if
13 you had to put in pier abutments on the side and it was
14 an important stream for fish habitat for example.

15 Q. Okay. So I assume then when you said
16 Mr. Hanna's quantitative objectives are appropriate or
17 objective is appropriate - I didn't get it down quite
18 accurately - you were speaking generally regarding the
19 desirability of quantitative objectives in timber
20 management plans?

21 A. Yes, that is correct.

22 Q. Could you refer to page 97 of the
23 witness statement, Mr. Innes. The very top of the page
24 states:

25 "The harvest and renewal objectives

1 must have associated targets which are
2 quantifiable and obtainable."

3 I'm sorry, it's the second paragraph I
4 wanted to refer you to.

5 "Any provision to the objectives and
6 targets from those stated in previous
7 management plans should be highlighted
8 and explained in the text of this
9 section."

10 Can you confirm for the Board that
11 Ministry of the Environment Interrogatory No. 26
12 indicates that the objectives and targets referred to
13 in that passage are timber objectives and targets?

14 MR. INNES: A. That's MOE No. 26?

15 Q. Correct.

16 A. We still believe that the answer
17 contained there accurately reflects our viewpoint,
18 Madam Chair.

19 Q. I'm sorry, the answer was...?

20 A. We still believe that the answer
21 contained in the Interrogatory 26 from MOE reflects the
22 Industry's viewpoint.

23 Q. Those objectives and targets are
24 timber objectives and targets?

25 A. (Nodding affirmatively)

1 Q. Thank you. Mr. Fry, during Mr.
2 Hanna's cross-examination you stated that you had never
3 been asked how moose habitat will be provided over a
4 rotation but at the open house there are always people
5 who want to know how we provide moose habitat and we
6 take them to the map and we show them the guidelines,
7 et cetera.

8 In your experience has the public been
9 satisfied with the explanations that you've given them?

10 MR. FRY: A. I believe, Madam Chair,
11 that in most cases they have understood the
12 explanation. I can't say one way or the other whether
13 they have been satisfied that the explanation is
14 satisfactory.

15 Q. Thank you. Would you refer to page
16 88 of the witness statement, please. I refer you to
17 the first paragraph under the heading Proposed Timber
18 Management Objectives and Targets.

19 And again I think it was you, Mr. Fry,
20 that was involved primarily with this particular
21 paragraph and you referred to this paragraph during a
22 discussion of describing alternative strategies.

23 A. Which paragraph, Mr. Freidin?

24 Q. The first paragraph under the heading
25 6.0.

1 A. Thank you.

2 Q. Just take a moment to read that.

3 A. Okay.

4 Q. Now, I'm going to describe a
5 hypothetical situation to you, Mr. Fry, and ask you
6 some questions about it.

7 Let's assume you have an area eligible
8 for 20 years shown on your map, eligible for harvest,
9 someone comes and tells you - and let's say it's the
10 Ministry of Natural Resources - and says: If you're
11 going to operate, or carry out harvest operations in
12 this area, we want a 600-hectare area which encompasses
13 or includes that cut-over to have the following habitat
14 components at the end of the five-year plan; we want it
15 to have "x" per cent of late winter habitat, we want it
16 to have "y" per cent of early winter habitat, and we
17 want it to have "z" per cent of browse.

18 And I'm not saying you said this, but is
19 it the Industry's position that you would take that
20 direction and describe three or more different ways of
21 arranging the cut-over within that 600 hectares to
22 provide that percentage, that you would cost the
23 different arrangement of those cut-overs as part of
24 timber management planning?

25 MR. FRY: A. I think, Madam Chair, if it

1 were possible to do that in discussions with the
2 technical experts that we would look at alternatives,
3 yes. I'm not too sure in that particular case, as you
4 have given, whether it would be possible to do so,
5 however. It seemed to be pretty specific objectives or
6 targets.

7 MR. FREIDIN: I think I'm saving time as
8 opposed to wasting time here, Madam Chair.

9 MR. MARTEL: We can take half an hour
10 break if you want.

11 MR. FREIDIN: Q. A few questions about
12 the report of past forest operations. I think, Mr.
13 Munro, you indicated that the report of past forest
14 operations in timber management plans are almost
15 identical to MNR and will be using similar tables?

16 MR. MUNRO: A. That's correct.

17 Q. Am I correct, therefore, that the
18 Industry is not suggesting that the report of past
19 forest operations contain a report on the achievement
20 of non-timber objectives, but rather you'll only be
21 dealing with achievement of timber objectives and what
22 you refer to as the timber component of non-timber
23 objectives?

24 A. That's correct.

25 Q. In your Appendix No. 1 to the timber

1 management plan you indicate that one of the things
2 that should be described is the level of achievement of
3 some of the other program objectives; is that correct?

4 A. That's correct.

5 MR. MARTEL: What page, Mr. Freidin?

6 MR. FREIDIN: Well, we can turn to
7 page -- page 48 is as good a place as anywhere looking.

8 MR. MARTEL: Yes.

9 MR. FREIDIN: Q. And this is in your
10 appendix to the plan, you have listed some of the
11 resources that are managed or affected by -- can be
12 affected by timber management and you indicate at the
13 bottom of every one of them:

14 "Discussion on current status of
15 policy and level of target achievement."

16 MR. MUNRO: A. Yes.

17 Q. I take it, panel, that based on the
18 evidence given by Mr. Innes in relation to wildlife
19 objectives, which is the achievement of which may be
20 affected by a host of things other than just timber
21 management activities, that if your proposal is
22 accepted and you had an appendix which actually set out
23 current status of policy and particular level of target
24 achievement it would be misleading or the public would
25 be incorrect if they assumed non-achievement or

1 achievement of a non-timber target was based solely on
2 how well you carried out your timber management
3 activities?

4 It's sort of a long question.

5 A. It is a long question. But what I
6 would respond is that what we were hoping for is a
7 brief discussion in the executive summary where the
8 district manager would go through and outline target
9 achievement and address specifically whether the lack
10 of achievement or over achievement was a direct result
11 of a timber management activity opposed to, in Mr.
12 Freidin's case, moose allocations.

13 Q. All right.

14 A. If there was some correlation to the
15 timber component of that resource, yes, it would be
16 discussed in that section.

17 Q. All right. Or if you could tell
18 there was a correlation.

19 A. If you could tell, yes.

20 Q. All right. But if you weren't able
21 to be that precise - and I'll use the moose example
22 again - if the achievement of the moose population
23 target was affected by a number of factors, moose
24 habitat being one which, according to your proposal
25 would be dealt with and identified in your timber

1 management plan, but it's also affected by predation,
2 it's also affected by hunter control; if the moose
3 target wasn't achieved and you said so in your
4 appendix, it might be that that was the result of
5 predation, it might be that was the result of the
6 hunter quota system, it might be that it was affected
7 by habitat; correct so far?

8 A. Correct so far.

9 Q. All right. And unless one was able
10 to reasonably say it was one or the other, would you
11 agree with me that it would be unreasonable for the
12 public to conclude, if a moose target wasn't achieved
13 and it was so stated in your appendix, that they should
14 say: Ah-hah, the timber managers have screwed up, to
15 be quite blunt?

16 A. I would agree with Mr. Freidin in
17 that that is why we have the executive summary, if it
18 isn't habitat it will specify it in the executive
19 summary, habitat is not a critical issue to moose
20 population at this time, it is possibly some other
21 factors.

22 So it's really to allow the public and
23 the district manager to focus on the timber component.

24 Q. Thank you, Mr. Munro. Some questions
25 about planning teams. Mr. Innes, is it fair for me to

1 state that the Industry has, for the reasons you have
2 given, made a conscious decision to separate the plan
3 author from what is presently the planning team so that
4 the plan author -- so you now have a plan author and a
5 technical committee at the local level?

6 MR. INNES: A. The first part of the
7 question was: Did we separate the plan author from the
8 planning team, and the answer is yes, that was a
9 conscious decision to do that.

10 In response to the second part of the
11 question, Madam Chair, it's the plan author, the
12 technical team and the local citizens committee, it was
13 those two groups plus the plan author, not just the
14 technical team only.

15 Q. Okay.

16 MR. COSMAN: Plus MNR approval of
17 whatever they do.

18 MR. FREIDIN: Okay.

19 Q. Confirm a number of -- see if I've
20 got this straight, some of the characteristics of this
21 new technical group which replaces the planning team,
22 that the technical group is advisory only?

23 MR. INNES: A. The technical group is
24 advisory to the plan author.

25 Q. That the membership on that technical

1 group is the same now as it is under the present MNR
2 process?

3 A. I'm not able to answer that, Madam
4 Chair, as I -- the way we expressed it was, the
5 technical group would maintain whatever level of
6 expertise was required from whatever disciplines
7 required, and my assumption is that that is now
8 arranged for by Ministry of Natural Resources, so I'm
9 not intimately aware of that situation.

10 Q. Actually I think your proposal is
11 that the technical group could include people other
12 than MNR; is that right, Mr. Munro?

13 MR. MUNRO: A. Yes, and our witness
14 statement states that the district manager would advise
15 the plan author who the technical experts were and,
16 yes, they could include other people that do not work
17 for MNR.

18 Q. All right. So in that respect the
19 evidence by the Ministry was that the planning team
20 members would be MNR staff plus the company forester,
21 if it was company prepared plan, and these other
22 advisors would be advisors, they wouldn't be members,
23 so I guess there's a difference then in terms of who
24 makes up the technical group?

25 A. If you're referring to the planning

1 team as your technical group, yes, there would be a
2 difference.

3 Q. Okay. There would not be regular
4 meetings of the technical group, was your evidence?

5 A. Unless it was necessary.

6 Q. And this technical group would
7 usually not meet as a group unless interdisciplinary
8 co-ordination was required?

9 A. That is our evidence.

10 MR. MARTEL: Could I ask a question.
11 Could theoretically then you have a plan and the author
12 could go through the whole process without ever meeting
13 with the technical group? I mean, theoretical, I
14 understand --

15 MR. MUNRO: I don't think theoretically,
16 I don't think that's possible, Mr. Martel. There is --
17 there's a number of technical experts out there that
18 have to provide some direction to the plan author.

19 The question that I would have would be
20 how much meeting as a group there would be, and we're
21 saying we would like to limit that to those cases where
22 it actually has to occur.

23 MR. INNES: There would be lots of
24 interaction the way we see it, sir, between the plan
25 author and the individual members of the technical

1 group. But I don't think God made anybody smart enough
2 to write the plan on his own effort without the
3 assistance of the technical expertise or other ones.

4 MR. MARTEL: Could not a problem develop
5 though that if they don't meet as a group, the author
6 meets with a biologist here at a given occasion,
7 someone else over there, that it doesn't come together
8 with a consensus from everybody that leads to the final
9 output?

10 MR. MUNRO: Yes, Mr. Martel, that is part
11 of the problem. The idea that now the planning team
12 must reach a consensus. It's our view that there has
13 to be agreement with technical experts on a planned
14 activity, but it does not necessarily have to be a
15 consensus.

16 That now we have a planning team we also
17 have our plan authors meeting directly with technical
18 experts in the background planning of the activity, and
19 really what we're suggesting is that that would
20 continue to happen in that fashion.

21 The district manager plays a key role in
22 this, in that the planning author has to be in constant
23 communication with the district manager. We see him
24 providing advice on possible integration where it
25 should occur.

1 MR. MARTEL: About a millenium ago I
2 asked the same question I think to someone from MNR, if
3 there was a difference of opinion, how is that going to
4 be highlighted?

5 Let's say there is a serious difference
6 of opinion between the biologist, let's say, and the
7 plan author, how does Joe public know that in fact that
8 serious difference exists?

9 MR. MUNRO: A. Under our proposal that
10 would be taken to the advisory committee, the district
11 manager and plan author would take that to the advisory
12 committee and say: We have a serious difference here,
13 can you provide us with some advice, we think there's
14 things that we can do. That would be the first
15 process.

16 That would be highlighted in the plan and
17 taken to the public for their advice and input, as well
18 I guess ultimately that it could be elevated to the
19 enhanced planning process, go through a very detailed
20 planning process at that time. So that is how we see
21 it happening.

22 MR. FRY: Mr. Martel, I think that it's
23 reasonable to expect that if there was a difference of
24 opinion of that type and it went to the draft plan
25 stage and the plan author held to his guns that there

1 would be -- Ministry review would highlight this as a
2 major problem for the biologist and that review would
3 be presented at that second information centre that we
4 have where the public would have an opportunity to see
5 it and comment, find out what the concerns were of
6 Ministry.

7 MR. MARTEL: All right, thank you.

8 MR. COSMAN: Just perhaps, Madam Chair,
9 Mr. Martel, before Mr. Freidin asks another question,
10 just apropos of your first question: Could a plan
11 author go through the whole process without meeting
12 with the technical members of the technical group.

13 MR. MARTEL: Hypothetically.

14 MR. COSMAN: Hypothetically. I suppose
15 hypothetically it could, but what it would mean, MNR
16 who has to approve the plan, as soon as the district
17 manager hears from Mr. McNichol, if Mr. McNichol hasn't
18 been spoken to with respect to moose or whatever, the
19 real world situation is no plan author is going to do
20 that and be faced with MNR rejecting it because the
21 proper technical people at MNR weren't consulted.

22 MR. FREIDIN: Well, Mr. Martel, I'll just
23 ask some further questions along that line because it's
24 MNR's position that's exactly what the planning people
25 do, make sure people do sit down, it's a wau of

1 ensuring that it does happen.

2 Q. Now, knowing where I'm coming from,
3 let me continue. Again, to make sure that I understand
4 some of the basic premises or facts in relation to this
5 separation of plan author and technical team.

6 I understand from your evidence, Mr. Fry,
7 that there will be no formal contact between the author
8 of the technical group until the beginning of the
9 second year of the planning term. It's the beginning
10 of the second year that you said, that's when the plan
11 author learns who the technical team is?

12 MR. MUNRO: A. That is correct.

13 Q. And I also understand, Mr. Munro,
14 that it was your evidence in describing the difference
15 between what you spoke of as the formal enhanced
16 planning process and the informal enhanced planning
17 process, that it would be at the draft plan stage that
18 the Ministry of Natural Resources would become aware
19 that the discussions were occurring.

20 And I take it, again these, are
21 discussions between you and individual citizens?

22 A. I don't think I said that. We can
23 certainly look it up in the transcript. I'm not sure
24 what context we were discussing, if it was --

25 Q. All right. Let's just see.

1 MR. INNES: A. I think we can advise
2 upon the intent, Madam Chair, while Mr. Freidin is
3 looking for his notes, and the intent is that there be
4 a working relationship always with the Ministry of
5 Natural Resources and with the local citizens committee
6 and with the technical experts since the end object is
7 to get a meaningful plan which will receive approval
8 from the Ministry of Natural Resources who are the
9 final approving authority for these things.

10 And there is certainly no intent to plan
11 in a vacuum or to isolate the Ministry of Natural
12 Resources from the process. That's, at least my
13 understanding is, there is a constant back and forth
14 dialogue with these people in the process of plan
15 preparation. That won't change.

16 Q. Do I understand the Industry to be
17 saying then that during this year of pre-planning when
18 you're discussing matters with other people that you
19 are going to formally be involving the Ministry of
20 Natural Resources' managers in those discussions or
21 advise them what's going on?

22 MR. MUNRO: A. Madam Chair, Mr. Martel,
23 what we have outlined in our year of pre-planning is
24 the district manager has some responsibility, the plan
25 author has some responsibility, and those

1 responsibilities are not done in isolation, there is
2 ongoing dialogue between the district manager and the
3 plan author.

4 Since many of the things are linked, in
5 order to get to the point where the plan author
6 actually has some direction provided to him, the
7 district manager with his people are going to have to
8 develop that direction in consultation with the public
9 as well as the plan author.

10 Q. Well, Mr. Munro, if you want
11 integration to occur, don't you believe that the people
12 who collect and analyse the data, many of them who --
13 many of them being MNR resource managers, would benefit
14 from discussing this in an intergrated way; that is,
15 where they are all sitting around the table.

16 I mean, otherwise you're going to sit
17 down, and you may sit down with the biologist and say:
18 Oh yeah, we think we have got this covered off, and
19 then all of a sudden the guy that's got something to do
20 with another resource says: Oh, but wait a minute,
21 that's going to affect me and so you call him in and
22 then you start talking to him and he's says: Well,
23 that seems okay, and now the three of you seem to happy
24 but there maybe another person comes in, a tourism
25 advisor on the team may say: Gee, that's not going to

1 keep me very happy.

2 I mean, the way I see your system
3 working, you're going to have all these one on ones
4 perhaps with the various resource managers, when do
5 they all sit down together, No. 1; and wouldn't you
6 make things more efficient if they all sat down
7 together at one time, dealt with site-specific
8 situation "x" and made sure that on one's sitting down
9 everybody knew what the problems were for their
10 particular resource?

11 A. It being, I think, a collective
12 experience of this panel that that is not an efficient
13 way to do planning, that the most efficient way is to
14 deal with the technical experts and deal with; i.e.,
15 moose at a particular time and then where there is a
16 need for some integration that there be some type of
17 planned activity that's agreed upon between the
18 technical expert and the plan author taken to the other
19 group if they have some concerns.

20 MR. MARTEL: Can I ask a question then.
21 You say as a group. As I understand the process now,
22 it's primarily MNR staff. Are you suggesting that the
23 MNR staff are saying that's not an appropriate way in
24 fact to -- that they don't find it an efficient way to
25 handle the planning process?

1 MR. MUNRO: As a group.

2 MR. MARTEL: As a group.

3 MR. MUNRO: We would be referring to our
4 experience in the industry working with Natural
5 Resources. We prepare this plan and we have to
6 dialogue with those individuals.

7 What tends to happen is we have a
8 planning team meeting and then we end up dealing with
9 technical experts again to work out the specifics. So
10 that it's almost the dog wagging the tail in some
11 respects, in that the technical experts and the plan
12 author have to come up with some agreement on how
13 activities are going to be carried out and then be
14 integrated if there is a problem.

15 MR. INNES: That is the key point. We
16 would not want the Board to be -- we do want the Board
17 to understand, we want the Board to understand that
18 there has to be one-on-one dialogue with the technical
19 experts and also that they have to meet as an
20 interdisciplinary group to make sure that there aren't
21 problems on this thing.

22 But we are saying you meet as an
23 interdisciplinary group as required, rather than you
24 always meet as a big group with nine tenths of us
25 sitting there doing nothing or we send representatives

1 because we know their topic won't be discussed that
2 day.

3 MR. FREIDIN: Q. Who decides whether
4 it's required, Mr. Innes, i.e., an interdisciplinary
5 meeting?

6 MR. INNES: A. It would be the district
7 manager. It could arise from the plan author as well,
8 I would think. The responsibility would be the
9 district manager who has the responsibility for the
10 overall plan approval and also for the management of
11 both the timber and non-timber resources.

12 Q. How would he know that there was a
13 need for an interdisciplinary meeting, when we're
14 talking about a year of pre-planning where he doesn't
15 even appoint a technical committee formally until the
16 end of the first year. Where is the mechanism for the
17 district manager to know?

18 MR. MUNRO: A. The reason why the
19 technical committee isn't appointed until after the
20 first year is because we have allowed a year of
21 pre-planning to isolate some of the key problems and
22 issues and, therefore, will be in a much better
23 position to identify who the technical experts are
24 going to be.

25 That is not to say that the district

1 manager or the plan author do not dialogue together, do
2 not use their technical experts at their disposal in
3 order to come up with some direction, in order to
4 produce the three technical summaries that we're
5 addressing.

6 MADAM CHAIR: It would seem, Mr. Munro,
7 that you would know who the technical group members
8 would be during the year of pre-planning. If you're in
9 a district and you know the staff people at MNR and
10 those people are preparing the information that would
11 go into the executive summaries and the database,
12 obviously those would be the candidates for sitting on
13 the group.

14 MR. MUNRO: For sure, and if you deal in
15 one district that is very easy, I think you would know
16 up front who those people are going to be. Where you
17 deal with a number of different districts and possibly
18 a number of different regions, you would have an idea
19 of who the candidates were but you wouldn't actually
20 know who specifically was going to be on the technical
21 group until you started to sit down and actually do the
22 plan.

23 MR. FREIDIN: Q. Now, you have indicated
24 in your evidence, panel, that it's the district manager
25 that must make some of these decisions and must rely

1 upon the advice of his experts; is that right, Mr.
2 Innes?

3 MR. INNES: A. That's correct.

4 Q. The professionals who are giving the
5 district manager the advice, they would have to be
6 comfortable from their professional point of view
7 feeling that they had a good enough sense of what was
8 happening to be able to give reasonable input or advice
9 to the district manager?

10 A. That would sound reasonable, yes.

11 Q. And are you aware -- what would you
12 say or how would you respond to a suggestion by those
13 technical experts who said that they would feel more
14 comfortable providing advice to their district managers
15 that integration indeed was taking place if in fact
16 they could sit down as a formal planning team with the
17 forester preparing the plan and all the resource
18 managers the way they do now on a planning team, they
19 would be much more comfortable giving that kind of
20 advice to the district manager than the way you've
21 described your system by meeting on the one-on-one?

22 A. What is the question, please?

23 Q. All right. A professional has to
24 give advice to the district manager, the district
25 manager obviously would want to sit there and say: I

1 feel comfortable that my professional staff are giving
2 me reasonable informed decisions; fair enough?

3 A. I'm still not sure what the question
4 is.

5 Q. Let me put the suggestion to you this
6 way. MNR resource managers feel more comfortable and
7 more confident that integration takes place if they sit
8 down as a planning team the way Ministry system works
9 now and are concerned that if you separate them and
10 deal with them one-on-one the way the Industry is
11 proposing that they won't be as confident and as
12 assured when they go to the district manager and say:
13 I can tell you, based on my professional judgment, that
14 integration is taking place.

15 Now, that is a concern. How do you
16 respond to resource managers who say that?

17 MR. MUNRO: A. Mr. Innes. Under the
18 system that we're proposing I think the level of
19 comfort by technical experts will be greater since they
20 will, in our view, be more intimately familiar with the
21 planned activity, that there will be dialogue between
22 the technical experts and the plan author, and they
23 will understand the specific details.

24 As Mr. Innes indicated, there will or
25 could be formal meetings where all the technical

1 experts and the district manager and plan author sit
2 down, much similar to what they do now, and review what
3 has occurred to date and what some of the specifics
4 are.

5 In our mind that's the most efficient way
6 to do something, is talking about the specifics, ensure
7 that your technical experts have a good understanding
8 and the plan author has a good understanding, and then
9 meet as a group and talk about the issues.

10 MR. MARTEL: I as a principal of a school
11 attempt to do something and collectively with the rest
12 of the staff it would make more sense to plan as a
13 group then to try and take each teacher one at a time
14 in their own room and go through the process.

15 I mean, that's the difficulty I'm having,
16 to try to understand why individually you could save
17 time when in fact there are a variety of things that
18 conflict, decisions that are reached by one person,
19 someone else's field let's say interferes with that
20 decision, or they want to take priority in that
21 decision.

22 And I'm having difficulty to understand
23 why that wouldn't occur, that you would not be coming
24 back repeatedly and unnecessarily, because if your
25 biologist says one thing and then someone else counters

1 it, it seems to me you have to go back to the drawing
2 board each time and start all over again. And I'm
3 having difficulty understanding how you -- that doesn't
4 occur I guess?

5 MR. MUNRO: Mr. Martel, what we have
6 allowed for is a year in order to ensure that there is
7 some pretty good direction provided to the plan author
8 and that is where --

9 MR. MARTEL: But the technical team isn't
10 there yet.

11 MR. MUNRO: Yes they are, they are there
12 working for the district manager in that context, they
13 are putting together those executive summaries saying:
14 We looked at the moose habitat guidelines, this is the
15 general direction that we would like to see things
16 going, and they are there and they are working on: How
17 are we going to get this plan done and under what
18 framework.

19 So they are providing advice to the
20 district manager. There is some dialogue between the
21 technical experts and the plan author to talk about the
22 timber component or timber activities. So there is
23 dialogue, it's not done in isolation. There is a back
24 and forth general direction that is available at the
25 end of the year so the plan author and the technical

1 experts can actually go out and do the detailed
2 planning that's required, and most of that detailed
3 planning cannot be done in the group it has to be done
4 with the biologist and the forester sitting down and
5 saying: Okay, this is the general direction that we
6 have been provided, we're going to plan our specific
7 activities.

8 And you have to get down to that level in
9 order to make it efficient and practical, and after
10 that is done, then it can go back up to whoever
11 required they can meet as a group and talk about the
12 specifics.

13 MR. INNES: Madam Chair, could I ask Mr.
14 Martel. Would it be helpful to the Board to understand
15 what we thought was wrong with the current system and
16 how we changed that?

17 MR. MARTEL: That would help.

18 MR. INNES: Okay. If I can try that very
19 succinctly or my colleagues here can correct me where I
20 get off base.

21 With the current system of management
22 planning it's done, as we've indicated before, in a
23 very concentrated effort, and I realize MNR is changing
24 this in their current terms and conditions.

25 The way it is now it's very concentrated,

1 you get together, assemble a group of everybody
2 relevant, and you really concentrate on getting a plan
3 out in as short a period as you're allowed to do so
4 under the process. All right. So there tends to be
5 unfamiliarity with the database, with the various
6 components because people don't deal with these except
7 generally on a one shot intensive effort every five
8 years.

9 The second problem that we find in
10 dealing with a planning team is that, like it or not,
11 there is a fairly constant turnover of MNR staff at a
12 district level and it changes district by district as
13 to how that happens, but you're often dealing with
14 people who tend to be unfamiliar with that area in
15 terms of long residency in that area; not always the
16 case, but often the case.

17 The third problem that we've hit is if
18 you have a large planning team that must always meet as
19 a planning team there are often a number of people
20 there who have no direct input to make to any of the
21 decisions being made on that particular team day and
22 whereas it may be interesting, it tends to prolong the
23 process through discussion of areas that have no direct
24 concern to them.

25 Now, with those three things what we have

1 tried to do is, with the first one we have talked about
2 lengthening the planning process and concentrating on
3 assembling background information so when we do get
4 together to draw a plan together there is going to be a
5 familiarity with the database and the major problems
6 and issues will have arisen.

7 And as Mr. Munro talked about a moment
8 ago, the technical experts within MNR, even though they
9 are not formally constituted as a planning team, will
10 in fact be involved with that process.

11 We would hope during that process there
12 will be a greater familiarity with the data involved
13 and even if it isn't that individual person, there will
14 be some documentation that would assist to allow a new
15 person to be familiar with some of the issues, some of
16 the problems, some of the gaps, et cetera, that may be
17 there and get over this change of personnel problem we
18 are dealing with.

19 The other one, the last one I talked
20 about is that because there has been a lot of
21 discussion at a technical level with the MNR experts,
22 we have shortened the process by having some of the
23 background information collected and dealt with on a
24 one-on-one basis and have a working relationship with
25 those people already between the plan author and the

1 technical experts, and we're saying that relationship
2 should be strengthened and formalized through the
3 appointment of a planning team by the district manager
4 and, where appropriate - and we're sure it will be
5 appropriate - this team will meet in an
6 interdisciplinary fashion to iron out some of the
7 problems that have to be ironed out because of
8 cross-over between the various disciplines and the
9 difficulties in managing a resource with that degree of
10 perplexity attached to it.

11 So what we've tried to do, and we hope we
12 have convinced the Board it's rational, is to remove
13 some of the problems we see facing us now and to get to
14 a system which accomplishes something in a more
15 expedient fashion - if I can pronounce the word
16 correctly - and there is certainly no intent that there
17 not be interdisciplinary cross-over, there is no intent
18 that anybody be cut out, and there is no intent that it
19 be done in isolation.

20 This is based on our practical
21 understanding of the situation over the last 10 years
22 of dealing with management plans. I will stop there,
23 hopefully that helps.

24 MR. FREIDIN: Q. Mr. Innes, could you
25 just explain then for me how one would be more

1 intimately familiar, or MNR managers would be more
2 intimately familiar with the details under your
3 proposed system in comparison to the system we have
4 now. It was actually Mr. Munro who said that, so
5 perhaps he should answer.

6 MR. MUNRO: A. Because they will be
7 given their responsibility by the district manager to
8 act as a technical expert and they will have to sit
9 down with the plan author and become intimately
10 familiar with those details in order to ensure that
11 they can go to the district manager and feel
12 comfortable with what is going on and how the planning
13 is taking place.

14 Q. Under the present system where there
15 is planning teams and where you're perhaps complaining
16 that all of these experts come to the same meeting, I
17 assume that they have the same advantage to become
18 intimately familiar with the details; in fact, your
19 concern is they have too much opportunity to become
20 intimately familiar with the details.

21 MR. INNES: A. Let us give an example of
22 that, Mr. Freidin, which I think may help; that is,
23 everybody is busy, and we all have different things to
24 do, so often we have found out in a planning team
25 situation a certain person can't come but because it's

1 a team, it's formalized, they send a representative who
2 doesn't know anything about that situation. So what
3 happens as a result, the plan author has got to go back
4 and talk to the original person regardless. We're
5 saying, why not do that in the first place.

6 Q. Sorry, why not...?

7 A. Why not deal with the technical
8 expert at convenience rather than having to use the
9 mechanism of a planning team in which the person may or
10 may not be able to be there.

11 You know, that's the type of situation
12 we're talking about, when the direction is deal
13 directly, you arrange a meeting at a convenient time to
14 deal directly.

15 Q. Okay.

16 MR. MARTEL: Let me run this one by you.
17 Would it not be possible to have the team established
18 earlier in the game, and recognizing your need to deal
19 one-on-one and to avoid overlap and the whole business,
20 that there might be, in order to ensure that the
21 overlap or the problems are sorted out, several
22 meetings established prior to the drafting of the draft
23 plan so that in fact you can sort it out if there is
24 something earlier.

25 Everybody becomes familiar with the

1 material, but there is an opportunity structured right
2 in the plan which would prevent the dealing with maybe
3 things in isolation, one from the other?

4 MR. INNES: Certainly.

5 MR. MARTEL: I am not suggesting that it
6 would have to be frequently, but it seems to me that it
7 might just achieve what both MNR is after and what the
8 Industry is after to know comfortably that this is
9 going on, there is certain problems that aren't going
10 to arise. I just don't know why that's not possible.

11 MR. INNES: That's certainly possible,
12 sir, and that's an excellent suggestion.

13 As I'm hearing two levels of discomfort,
14 one is the timing of the formal identification of
15 planning team members and we have no hesitation in
16 moving that up to any point that is most appropriate in
17 the plan schedule; and the second one is a problem I'm
18 hearing is, there should be some formal way in which
19 the planning team meets as a group at an earlier time,
20 and perhaps there should be a regular schedule of
21 meetings. And if that's the case, we don't have any
22 trouble with that either in terms of concept.

23 MR. MARTEL: Hopefully that's a way it
24 can be sorted out. I don't know.

25 MR. FREIDIN: Q. Is there any

1 connection, Mr. Innes, between the Industry's proposal
2 for separating the plan author from the technical team,
3 and the Industry's evidence regarding guidelines being
4 reviewed and perhaps being made more definitive?

5 MR. INNES: A. I don't think there is,
6 Madam Chair, to the best of my knowledge. Looking
7 across the rest of the panel here, we did not put those
8 together.

9 Q. I see Mr. Martel perhaps is having
10 some difficulty understanding where my question is
11 going. I was getting the impression perhaps that the
12 Industry were hoping, based on technical reviews,
13 guidelines could be more definitive in saying in these
14 situations these are the sorts of things you can do,
15 and that perhaps giving more guidance to plan authors
16 so that they could do things perhaps on their own more
17 than they might be able to do so now, and that's really
18 what I'm getting at.

19 A. The separation between the plan
20 author and the planning team into what we have proposed
21 was made solely on the basis of: How do we try and
22 address this more efficiently in terms of a mechanism
23 and get this plan constructed linked to the guidelines.

24 Q. One last question -- oh no, a couple
25 I guess. Mr. Munro, I don't know whether I heard you

1 right, I wanted to see whether I did. You said we
2 spend one year pre-planning, if the biologist has a
3 concern he can come to the advisory committee, and is
4 that something you would see happening regularly or is
5 that sort of the last ditch effort where you can't
6 resolve something on your one-to-ones with the
7 biologist you go to either the local committee or --

8 A. I think --

9 MR. COSMAN: Just before Mr. Munro
10 answers, can I have the reference for the context
11 whenever you quote Mr. Munro?

12 MR. FREIDIN: All I can is it's page 251
13 of my notes.

14 MR. COSMAN: Oh, never mind.

15 MR. FREIDIN: But they're very accurate
16 though, they're really accurate, which I can tell you
17 if find the transcript was on the afternoon of Tuesday,
18 August the 14th after the noon break.

19 MR. COSMAN: Thank you.

20 MR. MUNRO: We would certainly see in
21 this case the biologist as being a support person to
22 the advisory committee and if there was things that had
23 to be talked about; i.e., moose management, that that
24 person could be called upon to come in and to provide
25 some assistance at explaining his or her position.

1 MR. FREIDIN: Q. But you weren't
2 suggesting that that was the only avenue for the local
3 biologist if he had a concern?

4 A. Oh, most definitely not.

5 Q. And I believe the last question which
6 I'm going to try to get in before twelve o'clock
7 regarding qualifications of planning team members. Mr.
8 Innes, perhaps you could refer to OFAH term and
9 condition 35.

10 MR. COSMAN: This is qualification of MNR
11 planning team or our technical committee?

12 MR. FREIDIN: Let me take a look at the
13 term and condition, I might remind you.

14 MR. COSMAN: All right.

15 MR. FREIDIN: You will find that on page
16 8.

17 MR. INNES: Just a moment please, Mr.
18 Freidin. It's here somewhere, it's a matter of where.

19 MR. FREIDIN: Q. Oh, I made a mistake
20 here something. I think I've got the wrong -- it was
21 37, I'm sorry term and condition 37, on page 8 of the
22 OFAH terms and conditions which form --

23 MR. INNES: A. Term and condition 37?

24 Q. Yes. Just take a look.

25 A. Yes.

1 Q. Now, you led evidence, and I think it
2 was confirmed again by Mr. Young, that qualified for
3 membership on a technical committee could be
4 professional qualifications and training, technical
5 qualifications and training and/or experience; is that
6 correct?

7 You wouldn't have to have a specific
8 academic qualification to be on a planning team or a
9 technical team, it could be based on experience or even
10 technical training as opposed to saying you have a
11 professional degree?

12 A. I can't recall exactly what I did say
13 at that particular time, Madam Chair, but we're looking
14 for the most senior level of competence at the district
15 level which may be technical or it may be professional
16 at a particular district level.

17 Q. Okay. Taking a look at term and
18 condition 37 of OFAH, you notice they have referred to
19 certified wildlife biologists, certified fisheries
20 biologists and the like.

21 What would you say if others came forward
22 and said that certified meant accredited through some
23 body, particular body and only those people could be on
24 the planning team?

25 A. I would say that we may be

1 overlooking an opportunity if that occurred, as my
2 experience has been that there are often - I don't know
3 if often is the right term - but there are people at
4 the district level who are quite competent in terms of
5 management techniques who have learned their experience
6 in places other than having an accredited technical
7 course or professional course or what have you.

8 Having said that, I think the
9 professional technical accreditations tend to give some
10 comfort in terms of some minimal level of understanding
11 of the process which has to be respected.

12 Q. The reason I asked the question, Mr.
13 Innes, is I thought that was your position. You were
14 asked by Mr. Hanna whether you agreed with this term
15 and condition and I think you said you did. I was
16 concerned that when you did so, if Mr. Hanna or
17 somebody comes along and says: Certified fisheries
18 biologist, certified wildlife biologist means you've
19 got to be accredited by a particular body before you
20 can be on that team, that you would have said no; you
21 said yes, that's why I asked the question.

22 A. Let me respond to that, Madam Chair.
23 I recognize what you're saying, Mr. Freidin, and I
24 believe in response to Mr. Hanna's question I said
25 something like that would be an appropriate level of

1 knowledge or an appropriate whatever it was, but I did
2 not mean to exclude people if they were not certified.

3 MR. FREIDIN: Good time for a break,
4 Madam Chair.

5 MADAM CHAIR: All right. We will have
6 our lunch break now and be back in one hour.

7 MR. FREIDIN: I just was saying, in
8 looking at my notes, Madam Chair, I may finish today, I
9 probably won't go very far into tomorrow, I don't
10 think.

11 ---Luncheon recess at 12:00 p.m.

12 ---On resuming at 1:00 p.m.

13 MADAM CHAIR: Good afternoon. Please be
14 seated.

15 Mr. Freidin?

16 MR. FREIDIN: Q. Mr. Innes, I like
17 starting with you. We had a discussion about moose
18 habitat guidelines and the general direction in Section
19 4(c) about what might be done in relation to chemical
20 site preparation or tending.

21 MR. INNES: A. Yes.

22 Q. And I was asking questions about the
23 sort of documentation that would be prepared or
24 available in relation to that situation, and I believe
25 you made reference to the integrated resource database

1 would hopefully have some information about that sort
2 of thing?

3 A. Yes.

4 Q. If I remember your earlier evidence,
5 the integrated resource database would have the data
6 that may have been relied upon, but it wouldn't have
7 the linkages; it wouldn't be dealing with a specific
8 site condition and the development of a specific
9 prescription in relation to chemical site preparation
10 or tending, rather it would be more general information
11 about that sort of value?

12 A. That's correct, and it would contain
13 I presume a copy of the wildlife management plan for
14 moose as well.

15 Q. All right. Are you saying then that
16 if in a particular location a moose biologist wanted to
17 have a prescription modifying normal harvest operations
18 or normal tending operations, because of the general
19 direction provided in 4(c) of the moose habitat
20 guidelines that the Industry's proposal, would it or
21 would it not have an environmental analysis including
22 alternatives as to why the prescription which was set
23 was the one eventually developed?

24 A. Madam Chair, under the Industry's
25 proposal the moose management guidelines would be

1 reviewed by a technical committee and made as specific
2 as was possible to do that within the parameters I've
3 already mentioned.

4 If there was a contravention of those
5 guidelines, certainly it would go through the process
6 that Mr. Freidin just talked about. If there was -- if
7 the guidelines were silent in terms of what could or
8 could not be done for chemical site preparation or
9 tending, I was suggesting in this morning's session
10 that the strategy for dealing with that on a local
11 level should appear in the moose management plan for
12 that particular area which it covered in which the
13 forest management unit would fall.

14 Q. But if it turned out that you
15 couldn't provide specific direction as to what should
16 happen on any specific location in relation to tending
17 even in the wildlife management plan, all right, we're
18 back to this situation. Now, let's sort of leave it as
19 hypothetical, Mr. Innes, all right.

20 You've got general direction here and
21 let's assume that even after you refer it back to the
22 technical committee provincially they say: That is
23 about as specific as we can get, you're going to have
24 to exercise your judgment on a site-by-site case in
25 relation to this particular subject matter.

1 Now, the Ministry's evidence has been
2 that in that situation if a prescription is developed,
3 say by the biologist, that there would have to be an
4 indication of different ways of dealing with that and
5 an analysis as to why in fact the preferred method of
6 dealing with it ended up being the prescription which
7 was imposed.

8 As I understand the Industry's proposal,
9 you're saying that in that same situation you would not
10 require that information but rather what would be found
11 is something in the integrated resource database which
12 would be more general in nature?

13 A. I understand the question, Madam
14 Chair. I think we're dealing with a highly
15 hypothetical situation, as I don't see it appropriate
16 that something as sensitive as a use of herbicides or
17 chemical site preparation would be left hanging, as I
18 indicated earlier, in generalities.

19 However, given Mr. Freidin's hypothetical
20 question, if after this was reviewed by the provincial
21 technical committee and if hypothetically it appeared
22 in exactly the same words as it does here, we would
23 not, under our proposal, go through an analysis of
24 alternatives in the plan since it would be contained in
25 the guidelines and it would be acceptable to do what

1 was -- the way it is here decided upon on a local
2 situation.

3 Q. Okay. So I think -- let me
4 understand then. Wherever right now there is a general
5 direction of that sort in a guideline, and let's say it
6 remains that way even after the technical committee,
7 the Industry's proposal would not require an
8 environmental analysis as described by this panel of
9 alternatives, et cetera, in relation to the setting of
10 the prescription for that particular situation and you
11 wouldn't require it on the basis that there was
12 direction in the guideline in relation to that matter?

13 A. That is correct. We have told you in
14 which situations there would be environmental analysis
15 carried out and those are the three situations that we
16 mentioned.

17 Q. Okay.

18 A. We have also told you though that we
19 would have the provincial technical committee review
20 the guidelines.

21 Q. Sure, okay. Now, just going back to
22 the phrase 'range of acceptable practices', I just want
23 to ask you a few questions about that and make sure I
24 understand that.

25 If you have what I described as

1 definitive direction, the guideline had said: If you
2 find situation "x" do "y", I take it based on your
3 evidence that would not be a guideline which set out a
4 range of acceptable practices?

5 A. That is quite correct, that is not a
6 range, that is a single item.

7 Q. If you have a guideline that says:
8 In situation "x" do A, in situation "y" do B, and in
9 situation "z" do C, based on your evidence, I would
10 understand that to be a guideline which had a range of
11 situations described but would not have a range of
12 practices described; it would be just three of the same
13 situations you described before?

14 A. I could agree with Mr. Freidin's
15 words, Madam Chair. I don't know what the subject
16 matter of the guideline was. I suppose if you're
17 hypothetical about it you could take three situations,
18 the first you mentioned, the one you mentioned just
19 now, and a third one which I'm sure you'll ask next, in
20 which there may be several acceptable things to do and
21 given situation "x" there may be one, two, three that's
22 appropriate to do.

23 Q. Something logical about the question
24 I guess, thank you. Well, let's go to that one because
25 that's really the one that's going to give rise to the

1 more important question.

2 If you have a situation described and you
3 say that the guideline says: Depending on a number of
4 criteria you can do "x", "y" or "z", would that be
5 accurately characterized as the guideline describing
6 one situation and a range of acceptable practices?

7 A. I would think so, Madam Chair.

8 Q. If it were established that "x", "y"
9 or "z" may not be equally acceptable in that situation,
10 would you agree or disagree that that might -- that
11 would be a reason for documenting the reason for
12 choosing "x", "y" or "z"?

13 A. If that's the way the guideline was
14 put together, yes.

15 Q. Mr. Munro, I think you indicated
16 that -- well, am I right that you do not know the
17 location of proposed operations during the year of
18 pre-planning?

19 MR. MUNRO: A. Madam Chair, Mr. Martel,
20 that's correct. What you do have is the eligibility
21 map.

22 Q. And the eligibility map, I think we
23 heard in the Ministry evidence, depending on the
24 age-class distribution of your forest, can be small or
25 quite large?

1 A. That's correct.

2 Q. Could you give me some sense of the
3 technical issues which might be discussed during the
4 year of pre-planning with technical experts when the
5 areas in which you were going to operate had not yet
6 been selected?

7 A. We have provided a list of things
8 that would be talked about and it's included in the
9 witness statement. We could go to that if you wish.

10 Q. Perhaps you can just refer me to the
11 page you were referring to.

12 A. Okay. Page 16 of the witness
13 statement provides it briefly. Those would be the type
14 of things we would be looking at, the MAD calculations,
15 silvicultural ground rules, eligibility criteria,
16 wildlife requirements, fishery requirements, tourism
17 requirements.

18 We do get into the technicalities of
19 exactly what those are in Appendix 2 and 3, but what we
20 are really talking about in the year of pre-planning is
21 the science that is going into the plan in terms of
22 timber and the timber component of other resource
23 programs.

24 Q. There wouldn't be any discussion of a
25 technical nature in relation to specific prescriptions

1 for specific sites during this year?

2 A. Not during that year, no.

3 Q. If you don't know where you're going
4 to operate and you have your first open house and
5 somebody walks in and says: You've missed their value
6 or their concern about operating here or there, how do
7 you know whether the concern raised is one that you
8 really have to address if you haven't decided where
9 you're going to operate?

10 A. In our proposal we would identify
11 that value or that concern on the values map and that
12 would be available to the plan author. If he or she
13 were planning activities adjacent to that value or
14 encompassing that concern, that would be known up
15 front.

16 Q. I thought you said you wouldn't know
17 what areas you had selected to operate in during your
18 year of pre-planning?

19 A. What you've indicated was that a
20 person identifies a value, put it on a values map, then
21 that values map is given to the plan author and they go
22 out and plan their activity in relation to that value
23 or concern.

24 Q. I guess what I'm saying is, if you
25 have that huge area that's eligible and somebody comes

1 along and says: You've missed this value, it's my
2 cottage, it may be in the area eligible, but by the
3 time you get to selecting your areas for operation for
4 the five years, it may be that that's not selected, you
5 may not get to that particular area for 15 years.

6 Are you saying that you will do the
7 planning for it notwithstanding?

8 A. No, we're not staying we do the
9 planning for it. We say we identify the values for the
10 entire management unit and what we are or will be
11 recommending is the use of an operations map similar to
12 that described in MNR's new terms and conditions that
13 would address a specific value and where it is in
14 relationship to the planned activities.

15 Q. Can you turn to your terms and
16 conditions at page 31, term and condition 7(b).

17 A. Mr. Freidin, can I get the page
18 number again?

19 Q. 31, I'm sorry.

20 A. Is it 30?

21 Q. It may be 30. Yes, I think it is.

22 This panel gave some evidence about its lack of
23 understanding of the details of habitat supply analysis
24 and it's for that reason that I ask the next question,
25 and that's a question in relation to 7(b) where you

1 indicate that:

2 "The report of past forest operations
3 review a number of things including how
4 the management activities have influenced
5 the structure of the forest for mid- and
6 long-term timber and habitat supply and
7 stated management objectives."

8 When I read that, were you referring to
9 anything other than the timber component or, first of
10 all, what did you mean by that?

11 A. I would like to defer that to Mr.
12 Innes, since he wrote that.

13 Q. Okay.

14 MR. INNES: A. We were recognizing, Madam
15 Chair, when this was put together, that timber
16 management activities alter the structure of the forest
17 and we were recognizing as well, that they have an
18 impact upon -- forest structure has an impact not only
19 upon timber management, but other values of the forest
20 as well. And we thought it was desirable that that be
21 brought out into the open and reported upon in the past
22 operations.

23 And we furthermore recognized that often
24 a plan offer has no competence in that area so it
25 started off term and condition No. 7 that:

1 "OMNR shall ensure that the timber
2 management plan contains reports ..."

3 And it says:

4 "OMNR shall ensure it also reports on
5 operations carried out."

6 So we think that can come from the
7 expertise of MNR.

8 Q. Okay. So habitat supply here, that is
9 consistent with your earlier answer that the report of
10 past operations could deal with the timber component of
11 the non-timber objectives.

12 A. That's correct, Mr. Freidin.

13 Q. All right. And not having, or not
14 understanding completely, all the ramifications and the
15 deliverability of habitat supply analysis as put to you
16 by Mr. Hanna, I take it then that this term and
17 condition isn't an endorsement or an indication that
18 there will be a habitat supply analysis in place when
19 these terms and conditions are approved. Assuming they
20 are accepted by the Board, so it could be reported on.

21 Let me put it this way: It's much
22 clearer -- let me just tell you what my problem is.
23 If you read that term and condition somebody may think
24 that your saying, "My God, habitat supply analysis,
25 the ministry can report on it." And I beleive we have

1 heard all kinds of evidence as to whether that is
2 deliverable at the end of the hearing. I want to find
3 out if this should be interpreted by the Board as being
4 an indication that habitat supply analysis indeed will
5 be deliverable by the Ministry, or anybody else, by the
6 end of the hearing?

7 A. No, we're not making that assumption,
8 Madam Chair.

9 Q. Mr. Innes, you gave some evidence in
10 cross-examination by Ms. Kleer who was cross-examining
11 on behalf of NAN. You were referred to NAN term and
12 condition 34(b), maybe we should take a look at that.

13 A. This is the one dealing with the
14 annual work schedules?

15 Q. That's right. That's right.

16 Now, I have some confusion about your
17 answer to one of her questions. Firstly, does the
18 Industry include in its proposal that there be a
19 summary of the annual work schedule?

20 A. I don't believe that we do, Madam
21 Chair, no.

22 Q. I understand it's the Industry's view
23 that the annual work schedule is a reproduction of
24 portions of the plan?

25 A. That's correct.

1 Q. And that you think that even the
2 Ministry's proposals for some inclusion such as stand
3 listings are unnecessary?

4 A. That's correct.

5 Q. And I also understand from the
6 evidence of the panel that in terms of translation of
7 documentation into the native language, that all of
8 your terms and conditions seem, or read that they will
9 be in the native language if requested, as opposed to
10 saying they will be in the native language all the time
11 unless somebody says they don't need it in the native
12 language.

13 That's how your terms and conditions
14 read. Is that a fair statement, Mr. Munro?

15 MR. MUNRO: A. Certainly is.

16 Q. I take it that is based on the
17 evidence you gave as to your experience as to your
18 ability to communicate with the native people?

19 A. The Industry's experience, yes.

20 Q. Yes. Well then, I had some
21 difficulty then, Mr. Innes, when you agreed - my notes
22 indicate - with Ms. Kleer, or basically you
23 indicated -- you were asked: Would you support that
24 term and condition that a summary of the AWS in English
25 and the appropriate native language unless the band

1 council requests otherwise. And my notes indicated that
2 you agreed.

3 If you agreed, it flies in the face of
4 what you just told me. Could you indicate to me what
5 your position is, assuming that there was a
6 contradiction?

7 MR. INNES: A. I'm not sure there is a
8 contradiction, Madam Chair. I understand term and
9 condition from NAN 34(b) to give acquiescence by MNR to
10 provide the pertinent information from an annual work
11 schedule, and whether that is the correct way to read
12 that I don't know, but that is the way I read it, so
13 they could understand what was in the annual work
14 schedule in the native language of that community.

15 And I guess the only point I would -
16 though I may have erred here - is that the words 'if
17 requested' are not in there, and I would have to stand
18 corrected on that. And I think if a band requested
19 that, they should certainly get that. And I'm not --
20 it's not our position it should come automatically
21 because it may not be a requirement and is a costly if
22 it's not a requirement.

23 MADAM CHAIR: Are you saying that it is
24 to be the responsibility of MNR not the plan author to
25 do a summary of the annual work schedule?

1 MR. INNES: Yes.

2 MR. FREIDIN: Q. And it's not the term
3 or condition of the Ministry even that there be a
4 summary of the annual work schedule, I don't believe.
5 But why, assuming if the Board decided that there
6 should be such a document and if the plan author is,
7 through your process, going to have all this
8 accountability and is obviously the person preparing
9 the annual work schedule, why would you impose that
10 obligation on the Ministry?

11 MR. INNES: A. I may have to go back to
12 some of my colleagues here who are more directly
13 involved with this. My understanding is that the
14 annual work schedule is not a voluminous document, that
15 it's taken directly out of the plan, and that its final
16 approval rests with MNR, sometimes with amendments as
17 they see fit when they issue the final blessing for
18 this document.

19 It's a requirement of the MNR planning
20 process that the annual work schedule be produced and
21 issued and, as a result, I think it's appropriate that
22 translation facilities if required come through
23 something which you'll, I imagine, have set up on an
24 overall basis with other parts of information such as
25 notification, et cetera, that goes to band councils.

1 Could I request assistance from anybody
2 else on the panel who may wish to speak to that.

3 MR. MUNRO: A. I would like to add, I'm
4 unclear on how to read the term and condition No.
5 34(b), in that there is two provisos that are in it,
6 one is an affected native community, I'm not sure what
7 they mean by that, I would have to flush that out
8 somehow; and then I'm not sure what a summary would be
9 and if it was a complex document, I think we would have
10 to rethink it, I think we would have to discuss it with
11 NAN and see exactly what they meant, what they were
12 looking for.

13 Q. Would you agree with that?

14 MR. INNES: A. Yes. My understanding of
15 this was it was a fairly cursory listing of information
16 that was inside what is already a fairly brief annual
17 work schedule. As a result I don't interpret that as
18 an onerous job to do that, Madam Chair.

19 Q. So maybe when you hear their evidence
20 it may become more onerous than you think it is, it
21 may?

22 A. It's quite possible that could occur.

23 Q. And your answer about why it should
24 be MNR's obligation as opposed to the Industry's, I
25 think your answer went to the translation of it.

1 Would you see it any differently in the
2 obligation to produce the summary. If it was a company
3 prepared plan and a company prepared annual work
4 schedule, do you believe that the obligation in terms
5 of preparation of the summary, regardless of how
6 detailed it might end up being, shall always be MNR's?

7 MR. COSMAN: This is separate and apart
8 from translation?

9 MR. FREIDIN: Q. Separate and apart from
10 translation.

11 MR. INNES: A. I guess we're back to
12 hypotheticals, Madam Chair. Now, realizing what it is
13 exactly that they're after here, I'll answer on the
14 basis that it could be prepared by the plan author
15 quite easily I would think, unless there were terms and
16 conditions attached to that for approval by MNR.

17 And the timing, Mr. Munro made a comment
18 on that, as to what the appropriate timing is.
19 Obviously within an affected native community they will
20 receive this prior to operation, and I don't know what
21 the timing of issuance is on these, and that would play
22 a role as to who did it as it went about, I would
23 think.

24 MR. MUNRO: A. The only thing I would
25 like to add to that is, it's been our experience that

1 if it's needed you would just as soon go and talk to
2 the band council directly and have them identify what
3 their needs are. To date there hasn't been a whole lot
4 of demand in my particular area. Maybe some of the
5 other members can comment on this type of thing.

6 And Mr. Freidin is absolutely correct,
7 until we hear some evidence on it with some detail,
8 it's very difficult to comment on it other than saying
9 it could be a possibility in unique circumstances.

10 Q. Okay. Mr. Fry, could you turn to
11 OFAH terms and conditions 70 to 75. You'll find them
12 on page 13 of their terms and conditions I believe.

13 MR. COSMAN: Yes.

14 MR. INNES: That's right.

15 MR. FRY: Condition No. 75?

16 MR. FREIDIN: Mm-hmm.

17 MR. COSMAN: 72 or...?

18 MR. FREIDIN: Q. Well, 70 through 75.
19 Mr. Hanna asked you some questions about this public
20 consultation. He asked you general questions, like, is
21 there any significant concern, any substantial
22 difference, and those sorts of things.

23 You indicated in relation to 75 you
24 weren't too sure what it meant because you weren't sure
25 what he meant by production possibilities; correct?

1 MR. FRY: A. Yes.

2 Q. Is it fair to say that the same
3 comment would apply, that you wouldn't know what the
4 feasible production possibilities were then in term and
5 condition 73?

6 A. I would say that's correct.

7 Q. And I take it then that if the
8 transcript showed that you agreed substantially with 70
9 to 74; i.e., that includes 73, that you weren't
10 agreeing to producing feasible production possibilities
11 because you didn't know what that meant?

12 A. True.

13 Q. Thank you. Now, Mr. Fry, some
14 questions about plan review and approval. In your
15 process I believe you provide for a year and a half for
16 pre-planning and production of a draft plan?

17 A. That is correct.

18 Q. The draft plan after a year and a
19 half is presented to the Ministry of Natural Resources
20 on June the 1st?

21 A. That is correct.

22 Q. And they have a month to review that
23 plan and prepare a list of required alterations?

24 A. That is correct.

25 Q. You were asked by Mr. Lindgren

1 whether one month in the timetable for MNR review of
2 the draft plan was adequate and you indicated you felt
3 confident that the review could be done in that period.

4 My questions are: What involvement did
5 you envisage of the district, the regional and the head
6 office staff in this review, such that it could be done
7 within a month?

8 A. I guess the involvement, Madam Chair,
9 that I see of Ministry district staff would be that
10 with the process that we have, technical representation
11 from the district level on the technical group, that
12 the district review would be a relatively easily
13 accomplished process.

14 In terms of regional review I'm not too
15 sure just to what extent regional staff would get
16 involved in reviewing the plan -- the draft plan, but I
17 would imagine that there would be certain things that
18 could go on concurrently with the district review at a
19 regional level that I think probably could be
20 accomplished within the 30 days -- the one month
21 period.

22 At the head office level I would imagine,
23 my understanding is, that it is the review that is done
24 by head office staff, head office level people, is a
25 relatively broad review that basically looks for

1 concurrence with policy, that the plan has been
2 prepared in a way that it's supposed to be prepared,
3 and that that would not be a particularly
4 time-consuming process and, in that context, that is
5 the way that I answered that question.

6 Q. Now, Mr. Fleet in Panel 15 of the
7 Ministry's case gave evidence regarding the plan review
8 and approval process that the Ministry now has in
9 place, and his evidence took some time.

10 Did you review his evidence in
11 preparation for yours? Are you aware of all of the
12 evidence that he gave?

13 A. I'm not aware of all the evidence,
14 no.

15 Q. When you gave your opinion that it
16 would take -- you were confident it could be done in
17 one month, should your answer be taken as saying all
18 the things Mr. Fleet said were done as planning review
19 and approval could be done within a month?

20 A. I'm not sure that my answer should be
21 taken that way, no. I'm not sure of what Mr. Fleet
22 testified to, so I can't say that, no.

23 Q. Okay. And when you gave your
24 evidence that you were confident that this review could
25 be done in a one-month period, were you contemplating

1 one plan coming out of the region or more plans coming
2 out of the region in any given year?

3 A. I would imagine there would be more
4 than one plan that would come out of the region in a
5 given year.

6 Q. When you gave your estimate of one
7 month being an adequate time though, were you thinking
8 one month would be enough for one plan, or were you
9 thinking a region may have five or more plans and one
10 month should be enough for them to look at all five of
11 them?

12 A. My -- I was answering it in the sense
13 that if there were five plans that one month would be
14 adequate to review all five. I would not - I may be
15 wrong on this - but I wouldn't expect that the same
16 reviewers would be doing all plans, that there may be
17 different people assigned to different plans.

18 Q. If that wasn't the case, it would
19 affect the ability to do it in a month?

20 A. It could.

21 Q. At page 39930 of the evidence there
22 is a statement made that Industry does not see head
23 office being brought in during review of the draft
24 plan. I take it from your term and condition No. 20
25 that you see head office being involved in review of

1 the plan for I guess must be the final stage?

2 A. What term and condition number?

3 Q. Your term and condition 20 on page 35
4 of Exhibit 1271.

5 A. Term and condition 20?

6 Q. Yes.

7 A. And the question is...?

8 Q. It says that:

9 "There shall be internal review of
10 each plan by the district, regional and
11 main offices."

12 A. Yes.

13 Q. And at the transcript page I referred
14 to, page 39930, there was a statement made that
15 Industry does not see the head office being brought in
16 during review of the draft plan. So I assumed that if
17 wasn't of the draft plan and that you were providing
18 for a head office review in term and condition 20, it
19 must be of the final plan.

20 A. I don't recall making that statement,
21 I'm sorry.

22 Q. Well, let's forget whether you
23 specifically made the statement. What is the evidence
24 or the position of the Industry?

25 MR. MUNRO: A. Head office review would

1 occur of the draft plan.

2 Q. It would occur of the draft plan?

3 A. Yes.

4 Q. And the final as well?

5 A. That's correct.

6 Q. Thank you. Who should I ask
7 questions about the report of past forest operations?
8 Mr. Munro. Is it a purpose of the report of past
9 forest operations to show how one is going to -- let me
10 start again. In a nutshell, what's the report of past
11 forest operations?

12 A. Report on past forest operations
13 shows a comparison of what was planned to be done
14 compared to what was actually done and the progress
15 towards the achievement of goals and targets.

16 Q. And does the report of past forest
17 operations as a result of looking back at past
18 successes or failures also indicate how one will adapt
19 in the next plan to address those particular
20 situations?

21 A. Certainly does, and that's why the
22 Industry's proposal includes an independent audit that
23 will be used in the planning exercise.

24 Q. Well, would you agree with me, Mr.
25 Munro, that if the report on past forest operations is

1 done correctly that it would be a useful source of
2 information for any audit team, independent or
3 otherwise, to determine whether changes in strategies
4 or response to problems and issues made sense?

5 A. I would agree with that.

6 Q. We have heard evidence in this
7 hearing that the activities that one actually engages
8 in in any particular year of a five-year plan are
9 affected by a number of things including market forces.
10 Would you agree with that?

11 A. I would agree with that.

12 Q. And would you agree that looking at
13 what had been done over a two-year period of a plan,
14 the first two-year period of a plan might not
15 necessarily be a very good indication of whether you
16 were going to achieve the objectives set out in that
17 plan because -- well...

18 A. Not only would you be looking at just
19 two years in the current year, you would looking at
20 five years of the previous plan, therefore, you would
21 be looking at a total of seven years and I think you
22 could get a pretty good indication of what the
23 likelihood of current plan objectives and targets would
24 be, given that you're dealing with a seven-year time
25 horizon opposed to five.

1 Q. But I thought that the objectives in
2 the timber management plan are stated for the five-year
3 term; they may very well be a continuation of general
4 direction that was adopted in the previous plan, but
5 the quantitative objectives that The industry is
6 proposing would be stated for the five-year term of the
7 plan and, therefore, looking back five years wouldn't
8 really help you in that whether you were going to
9 achieve that five-year plan, you'd be able to look at
10 the two years; isn't that right?

11 A. No, that is not correct. You would
12 look at the seven-year range. You would look at five
13 years that has actually taken place that you have good
14 hard numbers for, and you would look at the first two
15 years of the current plan for which you have good
16 numbers for as well.

17 Q. But would the number in the plan for
18 the objective under the Industry's proposal be the same
19 in the current plan as it was in the previous five-year
20 plan?

21 A. No, it could change and there would
22 be some explanation of why that has changed, yes.

23 Q. But if the number changed, then I
24 don't understand how it would help you to go back.

25 A. By going back to the previous five

1 years it gives you an indication of what the likelihood
2 of is of achieving it.

3 Q. Oh, all right. Now, that would be --
4 it might give you some indication of the likelihood of
5 achieving all other things being equal, including
6 market forces, weather conditions, the economy, et
7 cetera?

8 A. That's correct, over that seven-year
9 time frame, yes.

10 Q. Okay. All right. I want to move on
11 to road planning, I guess that's with you, Mr. Young.

12 MR. YOUNG: A. Yes.

13 Q. I want to start off dealing with
14 secondary roads. Do you have out in front of you MNR
15 Interrogatory 36, for starters.

16 MR. COSMAN: That's the one with the
17 question and answer as a separate item.

18 MR. FREIDIN: It might be worth while --
19 maybe the Board wants to take a second to put them
20 together, if you haven't got them together, Madam
21 Chair.

22 MADAM CHAIR: No, we never take apart
23 these binders, Mr. Freidin.

24 MR. FREIDIN: All right. Okay, good.

25 Q. I listening to your evidence, Mr.

1 Young, thought there was a contradiction between an
2 answer to an interrogatory and an answer to your oral
3 evidence, I want to clarify that. And again, I can
4 give you the page reference and the important thing is
5 not - and I think my references are accurate - what I'm
6 really interested in is to make sure I understand the
7 Industry's position. I'm not saying you made a mistake
8 or something.

9 At page 39747 regarding secondary roads
10 you indicated that you only do alternative corridors
11 where the corridors fall within an area containing a
12 recognized value.

13 In the answer to 36(e)(ii) you say -- let
14 me see what the question was here. Oh, here it is:

15 "Areas containing recognized value are
16 identified and, where possible,
17 alternative secondary road corridors are
18 shown which avoid the recognized value."

19 So the contradiction I saw was in the one
20 case you're saying you only show the alternative
21 corridors where you're going to cross or fall within
22 one; whereas the intervenor interrogatory seems to be
23 saying that you're going to show those to indicate that
24 you couldn't avoid one.

25 Well, it just says what it says:

1 "Areas containing a recognized value
2 are identified and, where possible, these
3 corridors are shown which avoid
4 recognized values."

5 So do you or do you not identify
6 alternative secondary corridors?

7 A. Can I just read the question that led
8 up to the answer, please.

9 Q. Sure.

10 A. It is the Industry's position, just
11 to clarify it, that we would consider and do analysis
12 of alternate road corridors.

13 Q. For secondary roads.

14 A. For secondary roads only in areas
15 that contain a recognized value. So that's our
16 position. We would only look at alternatives and do
17 analysis of those alternatives where a secondary road
18 would fall within an area containing a recognized
19 value. That's our position.

20 Q. Okay. But not showing the
21 alternative locations between recognized values which
22 were traversed. For instance, if you're coming up from
23 the bottom of a map and you had an area of concern in
24 the middle and an area of concern three quarters of the
25 way up and your road was going right to the top, if

1 your secondary road crossed those two areas of concern,
2 you would show alternative places to cross the areas of
3 concern but you wouldn't show how the road got to those
4 areas of concern?

5 A. Generally that's correct, but there
6 may be cases where we had to, you know, go beyond the
7 specific geographic area to make sense through the
8 recognized value.

9 You just can't go to the area containing
10 the recognized value and show alternatives, there may
11 be a need to go a little bit beyond. But generally
12 that's the case, only in an area containing a
13 recognized value would we show alternatives.

14 Q. Let's not worry about going beyond.
15 If you had a road coming up from the south part of the
16 map and you had an area of concern right dab in the
17 middle--

18 A. Yes.

19 Q. --and your planning was that the
20 secondary road was going to cross that area of concern,
21 you would show alternate locations to cross the area of
22 concern; correct?

23 A. Associated with that value or area of
24 concern.

25 Q. Right.

1 A. Yes.

2 Q. You wouldn't show -- would your map
3 show a road going from the south of the map up to the
4 area of concern, the southerly portion of the area of
5 concern in my hypothetical?

6 A. If there was no recognized values
7 between the bottom of the map to the value, no, we
8 would not show alternatives.

9 Q. Okay. Would you have a map that
10 showed the secondary road?

11 A. Yes, we would, and it would form
12 specifically the map that we provided in Exhibit 1276.

13 Q. Now, am I correct that all
14 watercourses designated in the fish habitat guidelines
15 would be considered recognized values, 36(c)?

16 A. Yes. In our answer we said that all
17 watercourses designated, really defined in Exhibit 304,
18 which is on a 1:50,000 topographic map I believe is how
19 the Ministry is interpreting that, would be considered
20 a recognized value.

21 Q. Okay. Therefore, if you had a
22 secondary road which was going to cross one of those
23 watercourses, you would show alternative locations to
24 cross it?

25 A. Specifically secondary roads?

1 Q. Yes.

2 A. What we have said in our evidence is
3 that we would utilize the guidelines and we feel that
4 utilizing the guidelines will take care of concerns and
5 we hope that by utilizing the guidelines in secondary
6 roads, as Mr. Munro put it, as a course of doing
7 business we will be able to protect that value in all
8 cases, we will not have to show alternatives.

9 Q. Okay. But if you're saying that in
10 all cases you won't have to show alternatives, you're
11 saying because of the road construction -- the access
12 roads guidelines for watercrossings?

13 A. Yes.

14 Q. Then the answer you gave me at the
15 beginning then is qualified, because you told me at the
16 beginning that the Industry were going to in fact show
17 alternative corridors where the corridor falls within
18 an area or crosses an area containing a recognized
19 value. And now you're telling me that you won't show
20 alternatives but you will perhaps just rely on the
21 construction -- the guidelines in relation to access --
22 re access and water crossings.

23 Now, it's got to be one way or the other
24 and perhaps somebody can clarify that for me.

25 MR. MUNRO: A. Madam Chair, perhaps I

1 can provide some clarification. We do have a problem
2 in terms of water quality. If we have a specific
3 identifiable value; i.e., a spawning bed or some
4 fishery habitat concern that we can key in on and focus
5 on, we could quite easily identify alternatives.

6 Where we get into a problem is if water
7 quality is the issue and it makes no difference to the
8 technical experts per se whether you cross at
9 Alternative 1, 2 and 3 because they are all the same
10 basically in terms of water quality, that is where I
11 think Mr. Young is having some difficulty. And I think
12 the Industry has some difficulty dealing with that on a
13 whole as well where the value is universally
14 distributed down the entire stream per say.

15 Q. Okay.

16 MR. YOUNG: A. And if I could add,
17 whether we put a culvert that meets the guidelines in
18 spot A, B or C the effect is the same. The water
19 quality aspect is protected.

20 Q. Okay. So then -- again, so that if I
21 understand the Industry's position it's this, and I am
22 talking about secondary roads, I'll deal with primary
23 in a minute, if a secondary road is going to cross a
24 waterbody or a watercourse defined in the fish habitat
25 guidelines, you will consider alternative locations to

1 cross if you have a specific -- site-specific value
2 such as a spawning ground, a nursery area that might be
3 affected, but that you will not show alternative
4 crossing locations if the only concern is water
5 quality?

6 MR. MUNRO: A. I think we would take it
7 one step further, I think we would show that as a
8 deviation from a guideline and provide some rationale
9 why we are not showing the options, and that would be
10 done in conjunction with the technical experts.

11 If the fisheries biologist agrees that
12 along that half a mile of stream there is no
13 fundamental difference and it doesn't make a whole lot
14 of difference to him at what point you cross, I think
15 that would be explained in some detail in the plan.

16 Q. You said that in that situation that
17 an environmental analysis would be conducted.

18 A. That's correct.

19 Q. Would the environmental analysis be
20 documented?

21 A. Yes.

22 Q. You have defined an environmental
23 analysis as an analysis which identifies alternatives
24 and rationalizes the preferred choice from amongst
25 those alternatives. What are the alternatives that you

1 are going to in fact document and analyse in that
2 situation?

3 A. I guess the -- again, that is a
4 fundamental problem we have dealing with water quality
5 in that I think what we would rationalize is that there
6 really isn't a whole lot of alternatives that are
7 different, so in fact you would say: Let's look at
8 those alternatives and you would seek alternatives, and
9 if all the alternatives are the same and meet the
10 guidelines and do not change the water quality or
11 impact it, I think that would be explained in some
12 detail.

13 Q. Mr. Munro, would you agree that --
14 let's assume you've got a water quality concern in
15 crossing a watercourse designated under the guidelines.
16 Would you agree that depending on where you cross, or
17 where you cross may affect the structure that you have
18 to use to cross it, the mitigating measures that you
19 have to take to cross it?

20 A. I would agree with that, yes.

21 Q. As I understand your evidence, if you
22 follow the guidelines for water crossing, that the risk
23 of harm to water quality would be the same regardless
24 of where you crossed, but that in one case you may have
25 to take more onerous measures as opposed to the other?

1 A. I would think that would be a fair
2 assumption.

3 Q. Would you agree, however, that if in
4 the one place you had to build a bridge and in the one
5 place you could use a much smaller structure, that
6 although the risk of harm occurring might be different,
7 the magnitude of the damage which might occur if the
8 risk actually was realized could be substantially
9 different?

10 A. I'm not sure I understand your
11 question. If you're saying that if we go through the
12 guidelines and the culvert is an acceptable structure
13 to put in place on a particular crossing or a bridge is
14 an acceptable structure to put in place on a crossing,
15 would there be any difference in risk?

16 Q. No, the risk -- perhaps the risk
17 would be the same in terms of them falling down or
18 washing out, I think the culvert washing out and the
19 bridge falling down, grade guidelines, the risks are
20 the same of something bad happening in terms of the
21 structure.

22 I'm suggesting to you, however, that the
23 damage which would be created might be substantially
24 different in the two situations, if we both gave?

25 A. For clarification are you saying that

1 a bridge might have less associated damage with it than
2 a culvert?

3 Q. I may not be picking the best
4 examples. I'm just saying that if you put in different
5 sorts of crossings, if the crossings fail, the amount
6 of damage which will occur might vary depending upon
7 which structure you're looking at.

8 A. I guess theoretically that's
9 possible. Hopefully the engineering specs that were
10 put into both structures would compensate for that.

11 Q. Okay. Are you familiar with Appendix
12 2 of the Environmental Assessment Document which is the
13 appendix outlining the planning process for roads
14 crossing areas of concern?

15 A. I can certainly get it and look at
16 it.

17 Q. In fact you may -- Exhibit 1028,
18 which was the document that we had earlier, was a
19 reflection of that as well. I has a section on road
20 crossings, or roads crossing areas of concern. Do you
21 have that?

22 A. Yes, I do.

23 MR. MARTEL: Sorry, what page?

24 MR. FREIDIN: Well, it says page 10 on
25 mine. This is a document that my pages were -- it's

1 Instructions, Supplementary Documentation, Operations
2 in Areas of Concern.

3 MR. MARTEL: Section 3, Roads?

4 MR. FREIDIN: Part 3, Primary/Secondary
5 Roads.

6 MR. MARTEL: Right.

7 MR. FREIDIN: Yes.

8 Q. Now, you referred to having to do an
9 environmental analysis when secondary roads crossed
10 areas containing recognized values, your jargon, when
11 you did that, would the analysis follow the lines of
12 the information contained in this exhibit?

13 MR. MUNRO: A. I would think it would be
14 very similar.

15 Q. Including the identification of
16 alternatives?

17 A. Yes.

18 Q. What about primary roads, when a
19 primary road crosses an area containing a recognized
20 value does the same approach apply as you just
21 described for secondary roads?

22 A. Perhaps I'll hand it back to Mr.
23 Young, it's his section.

24 MR. YOUNG: A. Can repeat the question,
25 Mr. Freidin?

1 Q. You described for me the requirements
2 for secondary roads crossing areas containing
3 recognized values. Do the same requirements apply for
4 primary roads crossing areas containing recognized
5 values?

6 A. The requirements being a
7 consideration analysis of the alternatives?

8 Q. The identification of alternatives,
9 yes, and the analysis relating to the selection of the
10 preferred one.

11 A. And justification for that preferred
12 one?

13 Q. Yes.

14 A. Yes.

15 Q. And there would be the same caveat or
16 limitation that where it was a concern in relation to
17 water quality only, you wouldn't have to do that; you
18 wouldn't have to identify alternatives -- alternative
19 locations and rationalize the choice from amongst them?

20 A. As Mr. Munro outlined, yes, where a
21 section of a watercourse, a small stream or creek,
22 where water value was the recognized value we're saying
23 that it really doesn't matter from an environmental
24 standpoint where we cross that. No, we would not.

25 Q. That would apply to a river as well?

1 A. Yes.

2 Q. Your evidence is that the Industry
3 agrees that where possible roads should avoid
4 traversing areas containing recognized values; correct?

5 A. Where possible that would make sense,
6 yes.

7 Q. You have indicated that in the case
8 of a secondary road you will show the alternative
9 locations to cross the area containing the recognized
10 value, but not the road from the south of the map, in
11 my hypothetical, up to the southerly boundary of this
12 area of concern.

13 My question is: How do you know that you
14 could not have avoided the area containing the
15 recognized value altogether if you don't have
16 alternative corridors except where the corridor
17 traverses such areas?

18 In other words, somebody looks at the
19 plan and say, you're going to cross the area of concern
20 and they say, you have gone through this analysis and
21 they say, but the Industry has told us that where
22 possible you should avoid traversing those areas but
23 there's nothing saying that you could have avoided it.
24 How is anybody supposed to come to any conclusion as to
25 whether you considered alternatives at all?

1 A. I believe we gave some oral evidence
2 in that sense. Even though alternatives are not
3 documented they are definitely discussed, they would be
4 discussed with the technical representatives from
5 Ministry of Natural Resources and they would be
6 discussed generally with the local citizens advisory
7 committee. So there is some general discussion of
8 where we are going to progress and access general
9 locations.

10 I think one point we should make is that
11 in general secondary roads that we propose are within
12 the general area of the operations, so usually the
13 operations are associated directly with those roads, so
14 there's quite a level of detailed planning associated
15 with those operations and general harvesting.

16 So there is a lot of detail done as far
17 as: Where does that secondary road corridor go in
18 relation to the other operations; how does it fit with,
19 example, moose corridors on there. So there is some
20 analysis done in the actual, physical prescription of
21 operations and we look at how those roads fit in with
22 all the operations.

23 So there is some analysis done. It's not
24 really documented. What we're saying is that we will
25 document for the public at the draft plan stage a

1 location that we have formulated.

2 Q. Well, I'm not suggesting that you
3 should document everything that you think about when
4 you're doing timber management plans, but in relation
5 to this specific issue, if you're discussing these
6 alternatives with the MNR technical people, this is
7 where you're going to cross an area containing a
8 recognized value, why wouldn't you document it? What's
9 the objection to documenting it; you've considered
10 alternatives and you just couldn't get around it, you
11 had to cross the stream and you had to go this close to
12 the tourist lodge, whatever, you just couldn't avoid
13 the area of concern?

14 A. Madam Chair, that would become very
15 clear in the rationale of, you know, why that road is
16 there, is that there was discussion with the technical
17 expertise and we felt that, you know, that was the best
18 location for that road, so...

19 Q. That would be the best location to
20 cross the area of concern. Where is the documentation
21 and the rationale that says: We had to cross this area
22 of concern, and I would think that would be important
23 to you because you have said repeatedly in your
24 evidence that the Industry agrees that, where possible,
25 roads should avoid traversing these areas.

1 MR. INNES: A. Perhaps I can assist the
2 Board with that one, Mr. Freidin.

3 Madam Chair, we have indicated a number
4 of times that the plan author has the responsibility to
5 contact the individuals who have any interest in the
6 planning system, that's a direct contact, one-on-one
7 thing, and in our evidence at page 28 under Planned
8 Access, there it says:

9 "Plan author in consultation with
10 technical experts and other resource
11 users determines the location of the
12 primary and secondary road corridors."

13 And this is the point at which I would
14 suspect that most of the values are going to be
15 identified by people and back to those people, for
16 example the tourist operator who said I have a camp
17 right here, please be careful, that you're going to go
18 back and try and work out with that person with that
19 value as to what the best approach to it is.

20 And that's where the contact and the
21 rationale comes from, in laying the corridor out, even
22 before it gets to the draft plan stage and the open
23 house part.

24 MADAM CHAIR: With that example, Mr.
25 Innes, of a plan author agreeing with a tourist

1 outfitter to locate a road somewhere, they both agree
2 that this is the best location for the road, presumably
3 away from the tourist outfitter's camp, and that was
4 settled and that issue was off the table, that decision
5 had been made; that wouldn't necessarily be documented,
6 the prescription would should up on 1276 as the
7 corridor going here, but there wouldn't any reason
8 under your proposal for any further documentation?

9 MR. INNES: Madam Chair, that would be
10 documented in terms of direct conversation or a direct
11 meeting with that person to try and settle that issue
12 and that degree of documentation would appear in the
13 supplementary documentation of the plan.

14 MADAM CHAIR: A recording of a meeting
15 and a decision?

16 MR. INNES: Yes. It said, we had a
17 value, we were trying to find a way to handle that
18 value and we met with who Mr. whoever and we worked out
19 a way that is acceptable to the technical experts, the
20 plan author and the person with the value to get around
21 that.

22 And if that doesn't work, then we get
23 into the enhanced planning process.

24 MR. FREIDIN: Q. Now, could you turn to
25 term and condition -- just a moment, Madam Chair. Term

1 and condition 14?

2 MR. INNES: A. OFIA?

3 Q. Yours, OFIA's, yes.

4 MR. COSMAN: Page 33.

5 MR. FREIDIN: If I could just have one
6 moment, Madam Chair.

7 MADAM CHAIR: What was the number of
8 that?

9 MR. MARTEL: 14.

10 MADAM CHAIR: 14.

11 MR. FREIDIN: Term and condition 14 on
12 page 33.

13 MADAM CHAIR: Thank you.

14 MR. FREIDIN: I'm just taking time, I
15 just thought at one time that there was some
16 inconsistency between your evidence and this paragraph,
17 and it may be your evidence now is not inconsistent
18 with my understanding of this, so that's what's taking
19 me the time.

20 MADAM CHAIR: Are you going to document
21 that, Mr. Freidin?

22 MR. FREIDIN: Sure, you can have my note,
23 but they won't be much use...

24 Q. Mr. Young, you gave evidence that
25 where primary roads and secondary roads are planned

1 where there is a deviation from or an absence of the
2 guidelines or where there's a concern expressed under
3 the enhanced planning process, et cetera, you'll do
4 this environmental analysis. Which guidelines were you
5 referring to in that context?

6 MR. YOUNG: A. As in the case of any
7 value, any of the guidelines utilized to protect or
8 enhance that value, if there's a deviation from those
9 guidelines there would be the environmental analysis as
10 you indicated.

11 Q. Can you direct me to any guideline
12 that you had in mind when you made the comment, a
13 guideline which might be deviated from in relation to
14 direction for roads?

15 A. Roads. Specifically the guideline
16 for provision of access, I believe it's Exhibit 683,
17 the Environmental Guidelines for Access Roads and Water
18 Crossings. That would be one.

19 I would think the another one would be
20 the Code of Practice for Timber Management Operators,
21 for instance, in Riparian Areas which is Exhibit 434.
22 So those are two that come to mind.

23 Q. All right. Well --

24 A. There is other guidelines that
25 address access. For example, one that comes to mind

1 the osprey guidelines has direction in there as far as
2 access locations and restriction of those. So wherever
3 guidelines are utilized in prescription for access,
4 those are the guidelines we would refer to.

5 Q. Could you turn to the fish habitat
6 guidelines, Exhibit 303 and look to the heading Other
7 Lakes. This is the -- I'm sorry, page 1 of the green
8 section.

9 A. Yes, I have it, Mr. Freidin.

10 Q. And this sort of is related to
11 documentation again. It says:

12 "Roads should not be constructed
13 within areas of concern. Exceptions may
14 be considered where it can be
15 demonstrated that fish habitat would be
16 protected, however, roads should not be
17 located in areas adjacent to critical
18 fish habitat, headwater areas, spawning
19 and nursery areas, wetlands."

20 Would your process require there to be
21 either a justification for the location of the road or
22 an environmental analysis of alternatives which
23 resulted in the choice of the location of the road
24 where the road was constructed within the area of
25 concern?

1 A. If there's a deviation from the
2 guidelines we would go through the process that we
3 described where we would do the environmental analysis.

4 Q. Where's the deviation; describe for
5 me when a deviation would occur?

6 A. If an area was located adjacent to a
7 critical fish habitat, if in construction of that road
8 due to physical barriers we had to traverse an area
9 adjacent to a critical fish habitat, in our mind that
10 would be a deviation of the guidelines and we would
11 have to go through the process of environmental
12 analysis. Really it's a deviation of the guidelines.
13 So that would be an example I could provide.

14 MR. INNES: A. If I can assist, I think,
15 Madam Chair. In this case the guideline says, it is
16 quite clear, exceptions can be considered where it can
17 be demonstrated that fish habitat will be protected.

18 Somebody with the assistance of the MNR
19 technical advisor or by the MNR technical advisor is
20 going to have to do an environmental analysis to make
21 sure that fish habitat can be protected, otherwise you
22 can't put a road in there. It's quite straightforward,
23 I think.

24 MADAM CHAIR: Mr. Freidin, is this a good
25 time for our afternoon break?

1 MR. FREIDIN: Perfect.

2 MADAM CHAIR: We will be back in 20
3 minutes.

4 ---Recess taken at 2:20 p.m.

5 ---On resuming at 2:40 p.m.

6 MADAM CHAIR: Please be seated.

7 MR. FREIDIN: Q. Could you turn to OFAH
8 term and condition 21, please.

9 MR. MUNRO: A. Mr. Freidin, that was 21?

10 Q. 21, yes. Let me just check my notes
11 and see who was questioned on that, it may have been
12 Mr. Young. Well, I'm not sure whether it was Mr. Young
13 or Mr. Innes, but in any event term and condition 21
14 says:

15 "Access roads shall be designed to
16 provide the optimum of mix of short and
17 long-term benefits for all forest
18 estate users."

19 Somebody on behalf of the panel I believe
20 agreed that that was a reasonable term and condition.
21 Assuming that is correct, can you advise me --

22 MR. COSMAN: Sorry. I'm not sure whether
23 the question to which the answer was given whether it
24 was a reasonable term and condition, as to whether they
25 agreed with the statement set out in the term and

1 condition that access roads shall be designed as such,
2 which would be different.

3 MR. FREIDIN: Okay.

4 MR. COSMAN: But in any event, subject to
5 checking my notes on that.

6 MR. FREIDIN: Okay.

7 Q. I guess my question is this: When
8 that question was answered, regardless of how it was
9 put, did you consider whether the optimization of those
10 short and long-term benefits would have to be done with
11 the use of a mathematical computer model; in other
12 words, would it be necessarily part of optimization
13 that you would have to use a mathematical computer
14 model?

15 MR. YOUNG: A. I can answer that. I
16 believe the question was directed to me and if I can
17 recall my memory I believe the question was: Do access
18 roads have to be developed or designed taking into
19 term, long and short-term benefits, and I believe I
20 answered yes.

21 Your question to me, Mr. Freidin, is:
22 Will a mathematical formula to look at optimization be
23 considered in designing those roads. If that is the
24 question, no, that's not our intent.

25 Q. Thank you. There was some questions

1 of you, Mr. Young, regarding the criteria to assess
2 effectiveness in providing access. Could you turn to
3 Exhibit 1028 again, this is the instruction section in
4 relation to roads, page 3, and I'm directing you in
5 particular to paragraph 1, subparagraph (b), sub (i).

6 A. That's on page 11?

7 Q. Well, it begins -- (b) says:

8 "In an environmental analysis describe
9 each of the alternatives in terms of the
10 following four factors...."

11 A. Yes, I have it.

12 Q. And the second paragraph deals with
13 examples of characteristics to be taken into account in
14 relation to roads.

15 A. The second bullet point that starts,
16 "Identify and describe..."?

17 Q. No, I think you've got the wrong one
18 again. All right, it's Exhibit 1028. There is a
19 section - and I apologize for not having these
20 numbered - there is a section entitled Instructions,
21 Supplementary Documentation, Primary/Secondary Road
22 Corridors.

23 MR. MUNRO: A. Do you have a page
24 number, Mr. Freidin?

25 Q. No, I don't.

1 MR. INNES: A. This is under text, Mr.
2 Freidin?

3 Q. It's all text.

4 MR. MUNRO: A. I can't find the page
5 number.

6 Q. Well, can you find one that has a
7 heading at the top in relation to primary/secondary
8 roads, general instructions.

9 MR. FREIDIN: Have you found your copy,
10 Mr. Martel?

11 MR. MARTEL: Got the copy at last. Now
12 the page.

13 MR. FREIDIN: Q. Have you got this
14 section that talks about primary/secondary roads?

15 MR. INNES: A. Part 3?

16 MR. FREIDIN: Q. No, the text.

17 MR. FREIDIN: Madam Chair, I think the
18 best thing to do, if I don't finish this cross -- if I
19 finish this cross--examination today, perhaps I will
20 get these pages, I will get them numbered and we won't
21 have to waste any time on this.

22 MADAM CHAIR: Thank you very much, Mr.
23 Freidin.

24 MR. FREIDIN: Q. I can come back to
25 this, no problem.

1 Q. Let's motor on here. Mr. Young,
2 where you consider alternative road locations outside
3 areas containing recognized values, will you map them
4 under your process?

5 MR. YOUNG: A. I will have to ask for
6 clarification, Mr. Freidin. Are you talking about
7 primary or secondary?

8 Q. Both.

9 A. We will map the alternatives and
10 document the alternatives of primary roads and, as I
11 indicated before, secondary roads in an area containing
12 a recognized value. So those alternatives would be
13 documented.

14 Q. For primary you would map it and
15 document it?

16 A. Yes.

17 Q. In relation to secondary, you
18 would -- and this is the situation where you're going
19 to consider alternatives outside the -- or you're
20 saying you never consider alternatives outside the
21 area?

22 A. No, I didn't say that. I said in
23 some cases we may.

24 Q. All right. In those cases where you
25 will, will you map it as well as just document the

1 consideration?

2 A. Yes.

3 Q. Thank you. Term and condition 14 of
4 the Industry. 14(b) on page 34, is that another place
5 where the term identified value perhaps has not been
6 used properly, it should be an area containing--

7 A. Yes.

8 Q. --a recognized value in accordance
9 with your jargon?

10 A. Yes, Mr. Freidin. That would be the
11 same as we had discussion earlier where an identified
12 value in that case would be better -- the term would be
13 recognized or verified. So the same case as before.

14 Q. I think you indicated there is no
15 difference between a recognized and a verified value;
16 that's correct?

17 A. Correct.

18 Q. Okay. Mr. Suomu, some questions in
19 relation to bump-up. As I understand the Industry's
20 evidence somebody can request a bump-up any time during
21 the process but the Industry doesn't want the Minister
22 of the Environment to rule on that request until the
23 planning process has made it's way right through to the
24 end?

25 MR. SUOMU: A. That is correct.

1 Q. And are you suggesting that that be a
2 black and white rule or do you believe that there --
3 would you want to leave the term and condition flexible
4 enough that a situation might arise where earlier on in
5 the process everyone may agree that this is a matter
6 which should be the subject matter of an individual
7 environmental assessment?

8 A. I think in meeting -- Madam Chair,
9 Mr. Martel, in meeting the flexibility requirements of
10 the Industry I suspect, I would think that if it's
11 obvious that, in the early stages, that resolution is
12 not going to be forthcoming and that there isn't any
13 sense in going through the planning process for
14 whatever reason, then I would think it would be an
15 option, yes, to identify it up front.

16 Q. In the Ministry's term and condition
17 39, if you want to turn to that. That's Exhibit 1278A,
18 page 30, that particular page 29.

19 MADAM CHAIR: Are we in the witness
20 statement, Mr. Freidin?

21 MR. FREIDIN: I'm sorry?

22 MADAM CHAIR: Of the witness statement?

23 MR. FREIDIN: No, no, the Ministry's
24 terms and conditions, the August 3rd one, Exhibit
25 1278A.

1 MADAM CHAIR: Which number?

2 MR. FREIDIN: Page 29, term and condition
3 39.

4 Q. The Ministry has amended term and
5 condition 39(c) by providing for a period of time for
6 response to requests for a bump-up request. Does the
7 Industry find that particular change satisfactory?

8 MR. SUOMU: A. This is in reference to
9 39(c)?

10 Q. Yes.

11 A. Yes. We were looking for a fairly or
12 a response time which would meet concerns and would
13 speed the process up anything towards that would be
14 meet with the Industry's approval.

15 Q. Okay. Now, 39(f) and (g) deal with
16 two matters which are not dealt with in the Industry's
17 proposal, and I was wanting to know whether that was
18 intentional or whether that was an oversight.

19 You see (f) and (g) talk about provisions
20 for partial or conditional approvals of plans when
21 there is a request for a bump-up. I don't believe your
22 terms and concerns provide for that, and I'm just
23 wondering whether that's an oversight.

24 MR. COSMAN: It's not so much an
25 oversight from a legal perspective, Madam Chair. If

1 the bump-up was granted by the Minister of the
2 Environment in respect of a specific matter, then that
3 would not as a matter of law, in our submission, hold
4 up the rest. So I think it would follow, but I see no
5 reason why it couldn't be set out.

6 MR. FREIDIN: All right.

7 MR. COSMAN: In other words; it's not
8 contemplated by our proposal by the fact that the
9 language such as this is not included that the Minister
10 of the Environment would be precluded from permitting
11 that part of a plan to proceed which isn't subject to a
12 bump-up. That, in our submission, is a matter of law
13 that would apply; although I see a value in setting it
14 out as the Ministry has done.

15 MR. FREIDIN: All right.

16 Q. OFIA term and condition 24(c). This
17 is the Industry's. Do you have that, Mr. Suomu?

18 MR. SUOMU: A. Mm-hmm.

19 Q. You may have given evidence about
20 this earlier, but I don't recall specifically. In
21 24(a) in the last three lines you say:

22 "A request for bump-up will not be
23 considered if made later than 30 days
24 following the end of the public review of
25 the draft management plan."

1 As I understood your evidence, should
2 that not refer to 30 days after public inspection of
3 the final plan?

4 A. You are correct, that was an
5 oversight on our part. You can make that correction.

6 Q. And these may or may not get picked
7 up, and I haven't picked all these up, while we are
8 here would you agree in 24(b) the reference to 13(f) at
9 the bottom of the page should be 12(g)?

10 MR. MUNRO: A. Can we take a look at
11 that, Mr. Freidin.

12 Q. Sure. I'm sorry. You can take a
13 look at it and let us know.

14 MR. INNES: A. That's correct.

15 MR. COSMAN: That's correct. It used to
16 be 13(f).

17 MR. FREIDIN: Mr. Innes indicates that
18 it's correct.

19 MR. INNES: 13(f) should be 12 --
20 whatever it was here, 12(g).

21 MR. FREIDIN: Q. Would you turn to term
22 and condition 2(d)(i). And as I read this term and
23 condition, which deals with notice of the information
24 centre, your term and condition 2(d)(i), page 25, right
25 at the bottom, you set out the requirements for the

1 notice -- for the notice of an information centre and
2 there is no indication that that notice contain
3 reference to the availability of bump-up, although all
4 your other notice requirements do.

5 Again, was that intentional or was that
6 an oversight?

7 MR. SUOMU: A. No, that would be an
8 oversight.

9 MR. YOUNG: A. I believe we gave oral on
10 that, Mr. Freidin.

11 Q. All right.

12 MR. INNES: A. We would add that in.

13 Q. All right. I just wanted to make
14 sure. Mr. Innes, Mr. Hanna asked you a number of
15 questions based on a situation where perhaps the local
16 citizens committee would have an absolute right to
17 require a bump-up. Do you remember that?

18 MR. INNES: A. Yes, I do.

19 Q. When you were answering those
20 questions, what did you understand Mr. Hanna to be
21 suggesting when he said that there would be -- the
22 local citizens committee would have a right to require
23 a bump-up? How did you see that being different than
24 the way you're proposing bump-ups be dealt with?

25 A. Madam Chair, the way this panel

1 understood it was under Mr. Hanna's proposal the local
2 citizens committee could consider a need for a bump-up,
3 vote on it I believe, and then if they were in favour
4 initiate the process and, in that respect, they would
5 be bypassing the consideration by the Minister of the
6 Environment and the Minister of Natural Resources by
7 initiating an individual assessment process under the
8 bump-up provision.

9 Q. All right. So you understood then as
10 a result, if that there was their decision, there would
11 be an automatic obligation on the proponent to prepare
12 an environmental assessment document and submit it for
13 review?

14 A. That was my understanding of Mr.
15 Hanna's proposal, yes.

16 Q. Okay. We can agree I think that
17 there is at the present time no local citizens
18 committee or timber management stakeholders committee
19 formalized as part of the timber management planning
20 process?

21 A. Not formalized.

22 Q. And assuming that a local citizens
23 committee, or as the Ministry calls it, a timber
24 management stakeholders committee is formalized, do you
25 envisage the possibility that the Minister of the

1 Environment might receive a request from such a body
2 for bump-up?

3 A. I have difficulty with that proposal,
4 Madam Chair, because that committee is not a legal
5 entity and in terms of the legality of the process, my
6 understanding is it has to be an individual or some
7 sort of a legal entity that initiates that process,
8 rather than a committee structure or some such
9 organization.

10 Q. Okay. Accepting for the moment that
11 somebody puts in a request for a bump-up and can
12 actually indicate that the local citizens committee has
13 recorded itself as being in favour of it - I mean,
14 let's assume that that happened - do you think that the
15 weight that the Minister of the Environment might give
16 that request might be different than if it came from an
17 individual without that support?

18 I'm not asking you to make the decision,
19 but...

20 A. I would think the broader the support
21 base for initiation of a bump-up proceeding - I'm
22 having difficulty searching for the right phrase, Madam
23 Chair - the perhaps more attention it would get, but I
24 would still suspect that the ultimate decision would
25 rest upon the degree of detail provided and the

1 rationale provided by either an individual or a group
2 of individuals as to the merit of that case as to why
3 it warranted consideration for bump-up.

4 Q. Thank you. In relation to plan
5 amendments, MNR term and condition 42(b) sets out a
6 time frame. 42(b) is on page 31 of Exhibit 1278A.

7 You see that has been amended by
8 providing that:

9 "The decision regarding the category
10 of amendment would normally be made
11 within 15 days of the receipt of the
12 request."

13 Is the Industry content with that
14 suggestion in terms of the time frame?

15 MR. SUOMU: A. Yes, we are. This meets
16 one of our concerns on timing.

17 Q. In relation to amendments, Mr. Suomu,
18 in your term and condition 27(a)(iv), which you will
19 find at page 39, you make reference to site field
20 inspections and appraisals being done in conjunction
21 with all affected parties being employed.

22 Are you saying that those site field
23 inspections and appraisals will be mandatory in every
24 case or that they will be used where necessary? Take
25 just one moment, Mr. Suomu. It's page 39.

1 A. I have it here.

2 Q. 27(a)(iv).

3 A. Our intent in proposing this
4 particular term and condition was to ensure that
5 major -- when a decision on a major amendment was made
6 that it was the correct one and that all parties would
7 have had a chance to have input into the decision.
8 Even though the final decision is the district
9 manager's, the inputs that he receives from the public
10 would have a great deal of bearing into his final
11 decision.

12 So doing that if site visits and
13 inspections would make the process -- would make the
14 decision easier, I would go along with it. If they're
15 not required and all parties agree, then perhaps site
16 visits are not required.

17 Q. All right. So the intent wasn't to
18 say that site inspections were mandatory in every case?

19 A. No.

20 Q. But they were something that should
21 be employed whenever it was necessary?

22 A. That is correct.

23 Q. Okay, thank you. You were asked Mr.
24 Suomu whether it would be unreasonable -- this is Mr.
25 Hanna -- for their to be a requirement that the plan

1 author must review with the local citizens committee
2 whether an amendment should be categorized as
3 administrative, minor or major, and I have you recorded
4 as indicating that would not be unreasonable, and I was
5 somewhat confused with that answer because of your term
6 and condition number 27 which I would ask you to turn
7 to, I guess you've got that, 27(a).

8 And in 27(a), which deals with the
9 categorization of amendments, there is no reference to
10 the local citizens committee having to be involved in
11 that process. And is that something you're saying
12 should be added or --

13 A. We didn't -- Madam Chair, we did not
14 suggest that this would be mandatory. The MNR or the
15 district manager in reaching his decision would
16 consider the significance of the proposed amendment and
17 could possibly use the citizens advisory committee as a
18 sounding board on its significance or its too --
19 locally in reaching his decision.

20 So this might prove an avenue in which
21 his decision could be made on a little broader basis
22 than not having that input.

23 Q. All right. Some questions on annual
24 work schedules. Whose responsibility is that?

25 A. Direct them to myself.

1 Q. Okay. Except for their being no
2 stand listings in the annual work schedule, is Industry
3 contemplating the annual work schedule being the same
4 as that presently required?

5 A. I believe the only other major
6 change, Madam Chair, was the submission dates. We had
7 asked that they be made on a common basis to our term
8 and condition 32(b) on page 417. Other than that, I
9 believe, and I'll stand corrected, it would be
10 identical.

11 Q. And you have also indicated in your
12 evidence that the tables in the timber management plan
13 would be almost the same as the ones in the present
14 timber management planning process?

15 MR. MUNRO: A. That's correct.

16 Q. Could you turn, Mr. Suomu, to Tables
17 5.1 through 5.4 in the timber management planning
18 manual. I think they are at page 114 and I think that
19 is Exhibit 7. Table 5.1 is entitled Annual Schedule
20 Depletion by Area. Have you got that, Mr. Suomu?

21 MR. SUOMU: A. Yes.

22 Q. Now, Mr. Suomu, to fill out this
23 table am I correct that you would need to identify
24 which stands or portions of stands were going to be
25 harvested or depleted?

1 A. To fill this particular table, yes.

2 Q. This is a table that would form part
3 of the timber management plan and the AWS -- pardon me,
4 this is AWS, the annual schedule. Correct?

5 A. Yes.

6 Q. Right. And if you turn to 5.2, it's
7 an Annual Schedule of Harvest Area Depletion by
8 Licensee. Would you agree that you would need to have
9 identified which stands or portions of stands were
10 going to be harvested for you to fill out this table?

11 A. Yes.

12 Q. And would the same be true for 5.3
13 which deals with Annual Schedule of Wood Utilization by
14 Licensee and 5.4 which deals with the Annual Schedule
15 of Renewal and Maintenance?

16 A. That is correct.

17 Q. And you would get this information or
18 prepare these tables by looking at stand listings in
19 the timber management plan and going through them one
20 by one and determining which stand or portion of the
21 stand was actually going to be harvested or depleted in
22 that year so you could make the addition required and
23 complete these tables for the annual tables; is that
24 not correct?

25 A. There would be summaries required,

1 yes.

2 Q. Well, if you're going to be doing all
3 of that for the purposes of preparing that, why does
4 the Industry have objection to providing that
5 information to the Ministry by way of stand listings in
6 the AWS?

7 A. These particular summaries could be
8 obtained through computerized runs. I'm just saying
9 that in this particular case we're just looking for as
10 little duplication on table numbers just to keep the
11 amount of paper required in an annual work schedule
12 down to a reasonable level.

13 Our contention was that the main
14 documentation vehicle for the annal work schedule would
15 be the FRI 1:15,840 maps or whatever scale happened to
16 have been applicable at the time.

17 Q. So in terms of review and approval of
18 the AWS, the Industry is suggesting that the Ministry
19 should look at the maps and wouldn't benefit from a
20 listing of the actual stands or portions of stands
21 which were going to be --

22 A. That is what we're suggesting. I
23 might add in some cases FRI blocks or FRI data is
24 summarized by block numbers. I'm not sure whether all
25 companies utilize that.

1 In that sense computer runs would be done
2 by a summary of blocks and the final summaries could be
3 very easily obtained this way without stand listings
4 being produced directly.

5 Q. It's my information that most
6 management units do not allocate by block. Is that
7 your information?

8 A. I can't speak for that.

9 Q. Can anybody here confirm whether
10 that's correct?

11 MR. MUNRO: A. I know our particular
12 company we do them by block, a harvest block per se,
13 not by stand.

14 Q. Mr. Innes?

15 MR. INNES: A. I'm not familiar with
16 that.

17 Q. Mr. Young?

18 MR. YOUNG: A. Our company is in the
19 process of allocating by block, it's just converting to
20 that process.

21 Q. Mr. Fry?

22 MR. FRY: A. We allocate on a stand
23 basis.

24 Q. Thank you. In relation to the
25 discussion about allocation criteria and MAD criteria

1 that you were involved in, Mr. Munro.

2 MR. MUNRO: A. Yes, I remember that.

3 Q. Would you refer to page 28 of your
4 witness statement, one of the few pages I think you
5 were not referred to during your cross-examination by
6 the earlier questioners.

7 And could you advise me whether you have
8 identified on page 28 under the heading (h)
9 Identification of Harvest Blocks what could be
10 described as allocation criteria?

11 A. Yes.

12 Q. And when you have referred to the
13 allocation of stands or the allocation of blocks, that
14 is the same thing that the Ministry has referred to in
15 its evidence as the selection of stands for harvest, et
16 cetera?

17 A. That's correct.

18 Q. In relation to contingency areas,
19 who's that?

20 MR. FRY: A. That is me.

21 Q. Mr. Fry, on page 28 of the witness
22 statement there's a heading Planned Contingency Areas,
23 goes over on to the other page, and it says in the last
24 sentence on page 29 in relation to that matter,
25 right at the top there:

1 "The plan author would provide the
2 rationale to the advisory committee if it
3 was felt more than one year contingency
4 was required."

5 A. I see that.

6 Q. I take it by that statement the
7 Industry accepts that as a starting point one year for
8 a contingency area is a reasonable starting point?

9 A. Yes, we do.

10 Q. And would you agree with me that in
11 addition to providing the rationale for exceeding that
12 to the advisory committee, that it would be useful to
13 provide that to the Ministry of Natural Resources?

14 A. Definitely do.

15 Q. Okay. You didn't leave them out here
16 intentionally though; did you?

17 A. We did not.

18 Q. Okay, good.

19 MR. FREIDIN: One moment, Madam Chair.

20 Q. In relation to -- well, could you
21 turn to OFIA term and condition 46(c).

22 MR. COSMAN: Sorry.

23 MR. FREIDIN: Q. 46(c) which you will
24 find on page number 47. It's under your general
25 heading Data Collection, it talks about collecting

1 certain wildlife information and in relation to (c) it
2 says you collect this information on:

3 "Sites of occurrence of special
4 habitat features and/or areas of high
5 value as habitat for wildlife species of
6 regional concern as identified by the
7 IRUC."

8 Now, the Ministry of Natural Resources
9 term or condition refers to species of local concern
10 not regional concern. And I'm just wondering whether
11 anyone on this panel is able to indicate why that
12 particular difference exists, why that change was made?

13 MR. INNES: A. I suspect, Madam Chair,
14 that something was dropped from that 46(c) in terms of
15 the way it read as I agree with the Ministry of Natural
16 Resources that it should be of local concern, but we
17 also wanted -- our intent was in this case to give the
18 IRUC the chance to identify areas of special concern to
19 the Ministry in addition to areas of local concern.

20 So there's something missing in the words
21 here, the way it's phrased I think.

22 Q. So if -- what you're saying then,
23 this term and condition if it actually added "or of
24 local concern ", it would reflect the Industry's
25 intent?

1 A. Yes, that's -- well, it should first
2 of all be local concern. There's probably a phrase
3 missing, something like "and other areas as identified
4 by IRUC".

5 Q. Sure, okay. I think I understand.
6 And when you refer to areas of local concern in this
7 context, have you put your mind to whether you're
8 thinking about forest management unit level or whether
9 you're thinking about the district level which are
10 obviously different?

11 A. I indicated earlier, Madam Chair,
12 that we have but an imprecise grasp of wildlife
13 management planning and, as we understand it, wildlife
14 management planning is done on sort of a wildlife
15 management unit basis, at least for habitat analysis,
16 and the intent here was local meant whatever was an
17 appropriate planning unit level for the wildlife
18 species under consideration.

19 So in that respect it could cross
20 district boundaries or it could be a portion of the
21 management unit or whatever.

22 Q. Okay. Your terms and conditions 67
23 through 78 deal with the phase-in schedule, and at one
24 time I thought of going through these one by one, but I
25 have decided against that.

1 And could you agree with this general
2 proposition, Mr. Innes, that we will all - we being all
3 parties - will be in a better position to make
4 submissions regarding phase-in in relation to terms and
5 conditions once we know what the actual terms and
6 conditions are being imposed by the Board as opposed to
7 at the present time when we are all sort of theorizing
8 as to what they might be?

9 A. Yes, we very much agree with that
10 Madam Chair. The reason for putting this in at all was
11 to draw to everybody's attention that we thought
12 phase-in was important and had to be addressed in
13 planning terms and conditions.

14 MR. FREIDIN: Madam Chair, I don't
15 intend to make any submissions, but you'll note that in
16 the MNR terms and conditions as revised, term and
17 condition 78, there is a suggestion -- the present
18 suggestion, which is subject to change, regarding how
19 phase-in might be dealt with in order to address actual
20 terms and conditions as opposed to theoretical ones.
21 But we'll deal with that in terms of evidence much
22 later in the piece.

23 MR. COSMAN: We were hoping that these
24 would be actual.

25 MR. FREIDIN: I know. It's the one thing

1 that we all have in common.

2 Q. In relation to your tri-level
3 advisory committee, Mr. Innes, you indicated a number
4 of times in your evidence that you haven't worked out
5 the details.

6 Would you agree with me that the cost of
7 implementing the terms and conditions and the
8 practicality of implementing them are factors which the
9 Board should consider when determining whether they
10 should actually accept a proposed term and condition?

11 MR. INNES: A. Are you speaking of terms
12 and conditions generally or the tri-level advisory
13 committee in particular, Mr. Freidin?

14 Q. Any.

15 A. Terms and conditions --

16 Q. Let's talk about the tri-level
17 advisory committee, that's the one I'm most interested
18 in right now.

19 You put a bunch of terms and conditions
20 forward, you have given lots of evidence, many many
21 times in response to cross-examination by people like
22 Ms. Kleer you said that you hadn't worked out the
23 details.

24 As a preamble to my second question,
25 would you agree that before you can actually -- well,

1 before you can cost out a proposal or before you can
2 really determine whether it's practically feasible, is
3 it fair to say that you have to have some sense of what
4 the details are going to be?

5 A. Madam Chair, we feel that we know in
6 reasonable detail how the tri-level advisory committee
7 structure will function. I did indicate that we have
8 not got down to a fine level of detail, but we know
9 what the committee should do, how it's going to be
10 structured and what types of costs will be involved.

11 As a matter of fact, we have prepared
12 some background information looking at that at a
13 rudimentary level that would give us an idea of
14 magnitude of cost.

15 So we have not just jumped off the deep
16 end as it were and said, let's try something and not
17 considered the cost of doing that. We have done that.

18 Q. I take it this rudimentary
19 calculation or determination you have made is what Mr.
20 Munro indicated -- relied on when you gave evidence
21 that the cost of the Industry's proposal you didn't
22 believe would cost any more than the Ministry's?

23 MR. MUNRO: A. That's correct, and we
24 are willing to table that estimate if you wish.

25 MR. FREIDIN: I would certainly like a

1 copy of that and I take it under advisement at the
2 moment. I would like to review it perhaps overnight
3 and see whether I have any questions about it and
4 whether I want to ask it be filed as an exhibit.

5 MADAM CHAIR: The Board wishes to see
6 that estimate. We will accept it as an exhibit and we
7 will give you an opportunity to look at it this
8 evening, Mr. Freidin.

9 MR. FREIDIN: That's fine.

10 MR. MUNRO: It might be beneficial just
11 to run through it.

12 MADAM CHAIR: One moment. Could I have
13 the reference to Exhibit 1278, what cost estimates for
14 MNR's proposal that the Ministry has given?

15 MR. FREIDIN: Yes. Well, in that
16 particular document you'll find it --

17 MADAM CHAIR: Oh I see, page 12 of
18 Exhibit 1278C.

19 MR. FREIDIN: I think so. That's the
20 2.8-million.

21 MADAM CHAIR: Yes.

22 MR. FREIDIN: And that is the additional
23 cost. The evidence regarding the cost of the terms and
24 conditions as originally drafted, Madam Chair, were
25 dealt with in Panel No. 16 something in the

1 neighbourhood of 26 to \$29-million a year.

2 MADAM CHAIR: Thank you, Mr. Freidin

3 We will make -- I believe this is Exhibit
4 1285, and it is entitled Companion of MNR Additional
5 Cost Estimates with OFIA/OLMA Terms and Conditions, one
6 page, submitted by Dale Munro, on August the 20th,
7 1990.

8 MR. COSMAN: Madam Chair, I think that
9 should read comparison.

10 MADAM CHAIR: Companion -- oh,
11 comparison.

12 MR. INNES: Yes, I apologize.

13 MR. MUNRO: Perhaps I should just a brief
14 period of time just going through it.

15 ---EXHIBIT NO. 1285: One-page document entitled:
16 Comparison of MNR Additional Cost
17 Estimates with OFIA/OLMA Terms
and Conditions, submitted by Dale
Munro on August the 20th, 1990.

18 MR. FREIDIN: Q. Sure.

19 MR. MUNRO: A. So you can understand it.

20 Q. That might help me determine whether
21 I have any questions tomorrow.

22 A. Sure. The first item is the advisory
23 committee. We went through our terms and conditions
24 and we went through our timetables and we tried to
25 estimate how much cost would be associated with the

1 tri-level advisory structure, and given the number of
2 times people would have to meet we have provided an
3 estimate for the senior level policy committee.

4 The technical committee, regional
5 integrated resource user committee and term of the
6 local citizens group and technical group you don't see
7 any additional costs there. We are more than willing
8 to accept MNR's estimate in that particular case.

9 Q. All right. So that if we look at the
10 provincial, your source one to three -- I'm sorry, one
11 and two where you have got 50,000, 60,000 and 180,000,
12 that is what, over and above what the Ministry's
13 estimates are?

14 A. Yes, that's correct.

15 Q. Okay.

16 A. And some of that, there might be some
17 costs savings in the sense that dealing with the senior
18 level policy committee MNR has structured a
19 stakeholders committee and they have estimated some
20 costs. We didn't bother to get into those details.
21 We're just saying it's in addition, and these are on an
22 annual basis.

23 Q. Just out of interest, are these costs
24 to the Ministry or costs to the Industry or costs to
25 both?

1 MR. INNES: A. We will leave that to the
2 Board's jurisdiction, Mr. Freidin.

3 Q. Well, when you costed these -- you
4 gave no --

5 A. We gave no residency to the cost.

6 MR. MUNRO: A. Public consultation, we
7 see no additional cost there since MNR is basically
8 recommending an additional open house in their new
9 terms and conditions.

10 The application of the guidelines and the
11 utilization of enhanced planning process, we see as no
12 additional cost. The amount of extra time and effort
13 we spend on the enhanced planning process will
14 certainly provide no savings we don't think in our
15 minds, there is no additional costs.

16 Changing the MNR planning requirements
17 for access roads is no additional cost. There is,
18 however, a substantial savings in the elimination of
19 second-year survival surveys. I'm sure that our
20 renewal witnesses led evidence stating that the
21 Industry feels that that is not a requirement that
22 should be imposed and there is a substantial savings
23 there. That would offset any additional cost of the
24 tri-level advisory structure.

25 The elimination of stand listings

1 provides no additional cost, and the addition of an
2 independent audit for forest management unit is no
3 additional cost as well.

4 Q. Do you have any documentation which
5 can provide any breakdown as to how you calculated
6 those first three figures?

7 A. We used -- in calculating them we
8 said okay: "x" number of meetings per year, "x" amount
9 of money per diem, and that is how we calculated it
10 out; similar to the cost estimates provided by MNR I
11 don't think there's a whole lot of value in getting
12 into the nitty-gritty detail.

13 As MNR has stated, the advisory
14 committees will cost \$400,000 a year. They haven't sat
15 down and worked through the detail or provided it to
16 us.

17 Q. Let me think about whether I really
18 need to put you to the trouble of providing me with all
19 those details. Let me think about that.

20 MR. INNES: A. I think the point is,
21 Madam Chair, Mr. Martel, we all recognize there is
22 going to be a substantial cost for the advisory
23 committees of putting them into a planning process and
24 we recognize there may be some incrementality in cost
25 under our proposal, but we think that is worth it for

1 the total participation that we are getting from this
2 process.

3 Q. How did you compile the subject
4 matters? Any particular reason for choosing those
5 items? Is that all inclusive or did you leave certain
6 things out?

7 MR. MUNRO: A. Those were, Madam Chair,
8 where we could see that there was a substantial
9 difference in what we were recommending under our terms
10 and conditions and what MNR was recommending. So it
11 was a comparison of those things where we differ.

12 MR. FREIDIN: Excuse me, Madam Chair.

13 Q. The elimination of second year
14 survival surveys, 455,000. That is a cost which is
15 presently incurred by the Industry?

16 MR. MUNRO: A. It's partly incurred by
17 the Industry and partly incurred by MNR in managing
18 their own Crown forests, and I assume it would also
19 occur a certain amount of costs because I believe they
20 do that work on company units that are non-FMA. So I'm
21 not sure what the breakdown would be, but it's a shared
22 costing.

23 Q. Okay. Could you have in front of you
24 the comparison document, Exhibit 1279, which is your
25 revised comparison document.

1 MADAM CHAIR: That was Exhibit 1274, Mr.
2 Freidin?

3 MR. FREIDIN: 1279 I believe. This one.

4 MADAM CHAIR: We have lost it, Mr.
5 Freidin.

6 MR. FREIDIN: I don't think I have an
7 extra copy. We have got one coming up, Madam Chair.

8 MADAM CHAIR: Thank you.

9 MR. FREIDIN: Q. Now, is this document
10 intended to be an exhaustive or complete comparison of
11 all terms and conditions of Industry versus MNR, or
12 should it be looked at as being a document which is an
13 overview where you're trying to highlight certain
14 things?

15 MR. MUNRO: A. An overview for sure,
16 since in the comparison there's a certain amount of
17 interpretation that has to go into it, so it's an
18 overview.

19 Q. So for the purposes of determining
20 the actual differences and all of the differences, one
21 would have to look at all of the terms and conditions
22 and look at them in some detail?

23 A. That is correct.

24 Q. Am I also correct that the comparison
25 which you have made focuses on terms and conditions

1 which relate to planning as opposed to other subject
2 matters such as Class EA approval period, contingency
3 areas, that sort of thing?

4 A. That's correct, we don't put it in
5 that context.

6 Q. Can you turn to page 17 of this
7 document. I think we have numbered them the same, that
8 is bump-up.

9 A. No, 17 to me is annual work schedule.

10 MR. COSMAN: Upper righthand corner has a
11 number. 17 is the last page.

12 MR. FREIDIN: Here we go again with page
13 numbers. What's the page?

14 MR. COSMAN: Bump-up is on page 15.

15 MR. MUNRO: 15.

16 MR. FREIDIN: Q. Page 15, please. Under
17 the MNR column would you agree that there is no
18 reference to term and condition No. 40 of the Ministry
19 which provides bump-up opportunities on a major
20 amendment and describes the bump-up provisions for
21 annual procedure for protection operations?

22 I'll tell you what I'm doing here, Mr.
23 Munro. I want to go through here and point out a
24 number of things that you have missed, or perhaps
25 without doing that, you can agree that there are things

1 that you have missed that may be substantial.

2 And again, I'm trying to make the point
3 that one should not rely on this document as being any
4 sort of an exhaustive document, they shouldn't indicate
5 in relation to any of these subject matters that you
6 have included all of the differences?

7 MR. COSMAN: But I think the witnesses
8 have said, Madam Chair, that it's an overall document
9 that relates what Industry perceives to be significant
10 changes, there are lots of things that are not, and if
11 Mr. Freidin wants to point out something that he feels
12 is significant which wasn't in the minds of the author,
13 that's fine.

14 MR. FREIDIN: Q. Okay. Well, let's do
15 it that way. Would you take a look at term and
16 condition No. 40 of the Ministry of Natural Resources,
17 you'll find that at page 30 of their terms and
18 conditions, and would you agree or disagree that that
19 is a significant matter that could have been listed?

20 MR. MUNRO: A. Sorry, Mr. Freidin I
21 missed...

22 Q. Term and condition 40.

23 A. Yes.

24 Q. You've indicated what the terms and
25 conditions are for MNR's process in relation to

1 bump-up. MNR has a provision that you can have a
2 bump-up on a major amendment but you didn't make note
3 of that. I suggest to you that's fairly important if
4 you're looking at MNR's process.

5 A. Yeah, sure. Madam Chair, Mr. Martel,
6 we accept that, that's why it's not significant in our
7 mind.

8 MR. COSMAN: There is no difference
9 there.

10 MR. MUNRO: There's no difference. It's
11 in the notice. It's in our terms and conditions as
12 part of the notice. I think Mr. Innes asked, or
13 answered a question in terms of whether a bump-up
14 should be added to a particular notice. It's the same
15 as ours.

16 MR. FREIDIN: Q. Okay. All right.
17 Maybe, I'm sorry, I didn't understand the basis on
18 which you made this comparison. Turn to page 16 which
19 will be amendments. Is that right?

20 MR. INNES: A. Yes.

21 Q. And term and condition 43 of the
22 Ministry's terms and conditions, which is almost all
23 new, describes in some level of detail or degree the
24 process which should actually be followed on the
25 submission of an amendment, who receives it, what's

1 done with it, that sort of thing. There's no reference
2 to that in your column.

3 MR. MUNRO: A. Again, Madam Chair, Mr.
4 Martel, we agree in principle with what MNR is
5 submitting, therefore, it's not referred to.

6 Q. All right. So this document then is
7 only an indication where you have put MNR's process
8 here where you differ, but it's not intended to set out
9 all of the substantial requirements of the MNR proposed
10 process?

11 A. For sure, and we didn't want the
12 Board left with that opinion. It's where we had areas
13 that we needed or would want to discuss during leading
14 evidence.

15 Q. Okay. And then in relation to
16 another matter, for instance, could you turn to page --
17 well, the section dealing with the enhanced planning
18 process, what page is that? My page 10, so it will
19 probably be your page 8 or something like that.

20 A. Yes.

21 Q. And you have described on that page
22 and on page 11 under the Ministry's proposed area of
23 concern planning process that there's a requirement
24 that there be a consideration of alternatives for all
25 areas of concern, and we have discussed that at some

1 length the very first day of my cross-examination.

2 Assuming for the moment that the
3 suggestion I was putting to you was correct, that you
4 don't need a separate sheet for every one, then that
5 would be an error in terms of your description?

6 A. I believe Mr. Fry was leading or
7 answering some questions on that and we can go back and
8 review that, but it was in most cases the reserve
9 scenario does not necessarily occur in large numbers.
10 In all cases we try and optimize the wood if we can --
11 we could realize from given areas and protect for an
12 enhanced value at the same time.

13 MR. FREIDIN: Madam Chair, that pretty
14 well completes, I believe, my cross-examination except
15 for one matter. First of all, I want to look at this
16 exhibit that was filed in relation to costs.

17 The other day the concern was raised by
18 the Board during this cross-examination about reducing
19 documentation from 700 to 2, and I said that I would
20 see if I could put something together. I think I'm
21 going to be able to, but I can't do it now.

22 I have spoken to Mr. Campbell, we have 15
23 minutes left. He said that he would be prepared to
24 start and let me restart tomorrow, or we could adjourn
25 now and if I'm able to follow up on that matter, I can

1 deal with cost estimate, I can't see being much longer
2 than an hour tomorrow. So I guess I'm asking the Board
3 for the Board's indulgence to adjourn early, or to ask
4 Mr. Campbell to deal with some popcorn issues, I think
5 as he puts it.

6 MADAM CHAIR: The Board will adjourn now
7 until nine o'clock tomorrow morning. At nine tomorrow
8 we will be hearing submissions from Ms. Swenarchuk
9 concerning the Geraldton/Nipigon site visit.

10 MR. COSMAN: Yes. Madam Chair, let me
11 raise this to see if it meets with some approval by
12 you.

13 We have an hour, I would say, at the
14 outset -- at the maximum from Mr. Freidin tomorrow, Mr.
15 Campbell tells me he would be over half a day, and I
16 think that I will be between an hour and an hour and a
17 half in re-examination, which means that if we had a
18 hearing day tomorrow we could probably be complete.

19 Now, to accommodate the request of Ms.
20 Swenarchuk to change the date, we're taking hearing
21 time to hear legal submissions. If we were to hear
22 those legal submissions at the end of the day we can
23 put five productive individuals back to work on
24 Wednesday rather than have them stay over, but just a
25 question of -- what I'm asking is, if it's possible,

1 since everyone else is going to be here, it will just
2 be Ms. Swenarchuk, if she would come at the end of the
3 day rather than at nine o'clock during the hearing time
4 and we'll follow your usual practice of having legal
5 submissions during the night.

6 MADAM CHAIR: We couldn't arrange that,
7 but the Board will -- we will finish Panel 10 tomorrow,
8 and if it requires an hour or whatever at the end of
9 the day, we will sit until it's done.

10 MR. COSMAN: Thank you, Madam Chair.

11 MADAM CHAIR: Thank you, Mr. Cosman.

12 MR. CAMPBELL: Madam Chair, just before
13 we adjourn, if I'm going to be reached tomorrow, I just
14 might mention some of the exhibit numbers that I will
15 be referring to. Most of them I believe are before you
16 on a regular basis in this panel, in any event, but
17 there are a few that may not be.

18 One of them is the Class EA Document,
19 Exhibit 4, I may be referring to that, it's not certain
20 at this point, but I may be; Exhibit 7 the Timber
21 Management Planning Manual, I expect everyone has here;
22 Exhibit 940 is the Report on the Task Force on Forest
23 Management Agreements; then there's the Panel 10
24 evidence statement, draft terms and conditions have
25 been referred to regularly, their Exhibits 1269 and

1 1271; as well Panel 10 interrogatories, Exhibit 1272
2 has been referred to regularly. I think those cover
3 most of the exhibits.

4 Transcripts. Again, most of them I
5 believe are here now. There is a possibility that I
6 would refer to transcript Volume 155, and then - I
7 expect it's the only one that you might regularly have
8 before you - but the others just for the sake of
9 completeness are 196, 202, 219, 220 and 221.

10 Thank you.

11 MR. COSMAN: Madam Chair, if Mr. Campbell
12 is able to, as other counsel have done, to indicate any
13 specific pages in those transcripts that he would like
14 the witnesses to review overnight, it might save time
15 tomorrow. It would be impossible for them to review
16 all of those transcripts.

17 MR. CAMPBELL: I can speak to Mr. Cosman
18 after. They aren't lengthy excerpts in any case, so...

19 MADAM CHAIR: All right, thank you.

20 We will begin at nine o'clock tomorrow
21 morning.

22 ---Whereupon the hearing adjourned at 3:50 p.m., to be
23 reconvened on Tuesday, August 21st, 1990, commencing
24 at 9:00 a.m.

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